

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILLS NOS. 930 & 947

94TH GENERAL ASSEMBLY

2008

4251S.10T

## AN ACT

To repeal sections 144.030, 144.805, 155.010, 233.155, 238.202, 238.207, 238.210, 301.010, 301.130, 302.010, 302.060, 302.177, 302.304, 302.309, 302.341, 302.525, 302.720, 302.735, 304.015, 304.130, 304.180, 304.230, 305.230, 577.023, 577.041, 577.600, 577.602, 577.612, and 590.050, RSMo, and to enact in lieu thereof fifty-two new sections relating to transportation, with penalty provisions and an effective date for certain sections.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 144.030, 144.805, 155.010, 233.155, 238.202, 238.207, 238.210, 301.010, 301.130, 302.010, 302.060, 302.177, 302.304, 302.309, 302.341, 302.525, 302.720, 302.735, 304.015, 304.130, 304.180, 304.230, 305.230, 577.023, 577.041, 577.600, 577.602, 577.612, and 590.050, RSMo, are repealed and fifty-two new sections enacted in lieu thereof, to be known as sections 144.030, 144.805, 155.010, 227.102, 227.103, 227.378, 227.397, 227.400, 233.155, 238.202, 238.207, 238.210, 301.010, 301.130, 302.010, 302.060, 302.177, 302.304, 302.309, 302.341, 302.525, 302.720, 302.735, 304.015, 304.032, 304.130, 304.180, 304.230, 304.232, 304.590, 305.230, 385.400, 385.403, 385.406, 385.409, 385.412, 385.415, 385.418, 385.421, 385.424, 385.427, 385.430, 385.433, 385.436, 390.021, 390.372, 577.023, 577.041, 577.600, 577.602, 577.612, and 590.050, to read as follows:

144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States,

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

5 or between this state and any foreign country, and any retail sale which the state  
6 of Missouri is prohibited from taxing pursuant to the Constitution or laws of the  
7 United States of America, and such retail sales of tangible personal property  
8 which the general assembly of the state of Missouri is prohibited from taxing or  
9 further taxing by the constitution of this state.

10 2. There are also specifically exempted from the provisions of the local  
11 sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and  
12 sections 144.010 to 144.525 and 144.600 to 144.761 and from the computation of  
13 the tax levied, assessed or payable pursuant to the local sales tax law as defined  
14 in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525  
15 and 144.600 to 144.745:

16 (1) Motor fuel or special fuel subject to an excise tax of this state, unless  
17 all or part of such excise tax is refunded pursuant to section 142.824, RSMo; or  
18 upon the sale at retail of fuel to be consumed in manufacturing or creating gas,  
19 power, steam, electrical current or in furnishing water to be sold ultimately at  
20 retail; or feed for livestock or poultry; or grain to be converted into foodstuffs  
21 which are to be sold ultimately in processed form at retail; or seed, limestone or  
22 fertilizer which is to be used for seeding, liming or fertilizing crops which when  
23 harvested will be sold at retail or will be fed to livestock or poultry to be sold  
24 ultimately in processed form at retail; economic poisons registered pursuant to  
25 the provisions of the Missouri pesticide registration law (sections 281.220 to  
26 281.310, RSMo) which are to be used in connection with the growth or production  
27 of crops, fruit trees or orchards applied before, during, or after planting, the crop  
28 of which when harvested will be sold at retail or will be converted into foodstuffs  
29 which are to be sold ultimately in processed form at retail;

30 (2) Materials, manufactured goods, machinery and parts which when used  
31 in manufacturing, processing, compounding, mining, producing or fabricating  
32 become a component part or ingredient of the new personal property resulting  
33 from such manufacturing, processing, compounding, mining, producing or  
34 fabricating and which new personal property is intended to be sold ultimately for  
35 final use or consumption; and materials, including without limitation, gases and  
36 manufactured goods, including without limitation, slagging materials and  
37 firebrick, which are ultimately consumed in the manufacturing process by  
38 blending, reacting or interacting with or by becoming, in whole or in part,  
39 component parts or ingredients of steel products intended to be sold ultimately  
40 for final use or consumption;

41 (3) Materials, replacement parts and equipment purchased for use directly  
42 upon, and for the repair and maintenance or manufacture of, motor vehicles,

43 watercraft, railroad rolling stock or aircraft engaged as common carriers of  
44 persons or property;

45 (4) Replacement machinery, equipment, and parts and the materials and  
46 supplies solely required for the installation or construction of such replacement  
47 machinery, equipment, and parts, used directly in manufacturing, mining,  
48 fabricating or producing a product which is intended to be sold ultimately for  
49 final use or consumption; and machinery and equipment, and the materials and  
50 supplies required solely for the operation, installation or construction of such  
51 machinery and equipment, purchased and used to establish new, or to replace or  
52 expand existing, material recovery processing plants in this state. For the  
53 purposes of this subdivision, a "material recovery processing plant" means a  
54 facility that has as its primary purpose the recovery of materials into a useable  
55 product or a different form which is used in producing a new product and shall  
56 include a facility or equipment which are used exclusively for the collection of  
57 recovered materials for delivery to a material recovery processing plant but shall  
58 not include motor vehicles used on highways. For purposes of this section, the  
59 terms motor vehicle and highway shall have the same meaning pursuant to  
60 section 301.010, RSMo. Material recovery is not the reuse of materials within a  
61 manufacturing process or the use of a product previously recovered. The material  
62 recovery processing plant shall qualify under the provisions of this section  
63 regardless of ownership of the material being recovered;

64 (5) Machinery and equipment, and parts and the materials and supplies  
65 solely required for the installation or construction of such machinery and  
66 equipment, purchased and used to establish new or to expand existing  
67 manufacturing, mining or fabricating plants in the state if such machinery and  
68 equipment is used directly in manufacturing, mining or fabricating a product  
69 which is intended to be sold ultimately for final use or consumption;

70 (6) Tangible personal property which is used exclusively in the  
71 manufacturing, processing, modification or assembling of products sold to the  
72 United States government or to any agency of the United States government;

73 (7) Animals or poultry used for breeding or feeding purposes;

74 (8) Newsprint, ink, computers, photosensitive paper and film, toner,  
75 printing plates and other machinery, equipment, replacement parts and supplies  
76 used in producing newspapers published for dissemination of news to the general  
77 public;

78 (9) The rentals of films, records or any type of sound or picture  
79 transcriptions for public commercial display;

80 (10) Pumping machinery and equipment used to propel products delivered

81 by pipelines engaged as common carriers;

82 (11) Railroad rolling stock for use in transporting persons or property in  
83 interstate commerce and motor vehicles licensed for a gross weight of twenty-four  
84 thousand pounds or more or trailers used by common carriers, as defined in  
85 section 390.020, RSMo, in the transportation of persons or property;

86 (12) Electrical energy used in the actual primary manufacture, processing,  
87 compounding, mining or producing of a product, or electrical energy used in the  
88 actual secondary processing or fabricating of the product, or a material recovery  
89 processing plant as defined in subdivision (4) of this subsection, in facilities  
90 owned or leased by the taxpayer, if the total cost of electrical energy so used  
91 exceeds ten percent of the total cost of production, either primary or secondary,  
92 exclusive of the cost of electrical energy so used or if the raw materials used in  
93 such processing contain at least twenty-five percent recovered materials as  
94 defined in section 260.200, RSMo. There shall be a rebuttable presumption that  
95 the raw materials used in the primary manufacture of automobiles contain at  
96 least twenty-five percent recovered materials. For purposes of this subdivision,  
97 "processing" means any mode of treatment, act or series of acts performed upon  
98 materials to transform and reduce them to a different state or thing, including  
99 treatment necessary to maintain or preserve such processing by the producer at  
100 the production facility;

101 (13) Anodes which are used or consumed in manufacturing, processing,  
102 compounding, mining, producing or fabricating and which have a useful life of  
103 less than one year;

104 (14) Machinery, equipment, appliances and devices purchased or leased  
105 and used solely for the purpose of preventing, abating or monitoring air pollution,  
106 and materials and supplies solely required for the installation, construction or  
107 reconstruction of such machinery, equipment, appliances and devices, and so  
108 certified as such by the director of the department of natural resources, except  
109 that any action by the director pursuant to this subdivision may be appealed to  
110 the air conservation commission which may uphold or reverse such action;

111 (15) Machinery, equipment, appliances and devices purchased or leased  
112 and used solely for the purpose of preventing, abating or monitoring water  
113 pollution, and materials and supplies solely required for the installation,  
114 construction or reconstruction of such machinery, equipment, appliances and  
115 devices, and so certified as such by the director of the department of natural  
116 resources, except that any action by the director pursuant to this subdivision may  
117 be appealed to the Missouri clean water commission which may uphold or reverse  
118 such action;

- 119           (16) Tangible personal property purchased by a rural water district;
- 120           (17) All amounts paid or charged for admission or participation or other  
121 fees paid by or other charges to individuals in or for any place of amusement,  
122 entertainment or recreation, games or athletic events, including museums, fairs,  
123 zoos and planetariums, owned or operated by a municipality or other political  
124 subdivision where all the proceeds derived therefrom benefit the municipality or  
125 other political subdivision and do not inure to any private person, firm, or  
126 corporation;
- 127           (18) All sales of insulin and prosthetic or orthopedic devices as defined on  
128 January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the  
129 Social Security Act of 1965, including the items specified in Section 1862(a)(12)  
130 of that act, and also specifically including hearing aids and hearing aid supplies  
131 and all sales of drugs which may be legally dispensed by a licensed pharmacist  
132 only upon a lawful prescription of a practitioner licensed to administer those  
133 items, including samples and materials used to manufacture samples which may  
134 be dispensed by a practitioner authorized to dispense such samples and all sales  
135 of medical oxygen, home respiratory equipment and accessories, hospital beds and  
136 accessories and ambulatory aids, all sales of manual and powered wheelchairs,  
137 stairway lifts, Braille writers, electronic Braille equipment and, if purchased by  
138 or on behalf of a person with one or more physical or mental disabilities to enable  
139 them to function more independently, all sales of scooters, reading machines,  
140 electronic print enlargers and magnifiers, electronic alternative and augmentative  
141 communication devices, and items used solely to modify motor vehicles to permit  
142 the use of such motor vehicles by individuals with disabilities or sales of  
143 over-the-counter or nonprescription drugs to individuals with disabilities;
- 144           (19) All sales made by or to religious and charitable organizations and  
145 institutions in their religious, charitable or educational functions and activities  
146 and all sales made by or to all elementary and secondary schools operated at  
147 public expense in their educational functions and activities;
- 148           (20) All sales of aircraft to common carriers for storage or for use in  
149 interstate commerce and all sales made by or to not-for-profit civic, social, service  
150 or fraternal organizations, including fraternal organizations which have been  
151 declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the  
152 1986 Internal Revenue Code, as amended, in their civic or charitable functions  
153 and activities and all sales made to eleemosynary and penal institutions and  
154 industries of the state, and all sales made to any private not-for-profit institution  
155 of higher education not otherwise excluded pursuant to subdivision (19) of this  
156 subsection or any institution of higher education supported by public funds, and

157 all sales made to a state relief agency in the exercise of relief functions and  
158 activities;

159 (21) All ticket sales made by benevolent, scientific and educational  
160 associations which are formed to foster, encourage, and promote progress and  
161 improvement in the science of agriculture and in the raising and breeding of  
162 animals, and by nonprofit summer theater organizations if such organizations are  
163 exempt from federal tax pursuant to the provisions of the Internal Revenue Code  
164 and all admission charges and entry fees to the Missouri state fair or any fair  
165 conducted by a county agricultural and mechanical society organized and  
166 operated pursuant to sections 262.290 to 262.530, RSMo;

167 (22) All sales made to any private not-for-profit elementary or secondary  
168 school, all sales of feed additives, medications or vaccines administered to  
169 livestock or poultry in the production of food or fiber, all sales of pesticides used  
170 in the production of crops, livestock or poultry for food or fiber, all sales of  
171 bedding used in the production of livestock or poultry for food or fiber, all sales  
172 of propane or natural gas, electricity or diesel fuel used exclusively for drying  
173 agricultural crops, natural gas used in the primary manufacture or processing of  
174 fuel ethanol as defined in section 142.028, RSMo, natural gas, propane, and  
175 electricity used by an eligible new generation cooperative or an eligible new  
176 generation processing entity as defined in section 348.432, RSMo, and all sales  
177 of farm machinery and equipment, other than airplanes, motor vehicles and  
178 trailers. As used in this subdivision, the term "feed additives" means tangible  
179 personal property which, when mixed with feed for livestock or poultry, is to be  
180 used in the feeding of livestock or poultry. As used in this subdivision, the term  
181 "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and  
182 other assorted pesticide carriers used to improve or enhance the effect of a  
183 pesticide and the foam used to mark the application of pesticides and herbicides  
184 for the production of crops, livestock or poultry. As used in this subdivision, the  
185 term "farm machinery and equipment" means new or used farm tractors and such  
186 other new or used farm machinery and equipment and repair or replacement  
187 parts thereon, and supplies and lubricants used exclusively, solely, and directly  
188 for producing crops, raising and feeding livestock, fish, poultry, pheasants,  
189 chukar, quail, or for producing milk for ultimate sale at retail, including field  
190 drain tile, and one-half of each purchaser's purchase of diesel fuel therefor which  
191 is:

192 (a) Used exclusively for agricultural purposes;

193 (b) Used on land owned or leased for the purpose of producing farm  
194 products; and

195 (c) Used directly in producing farm products to be sold ultimately in  
196 processed form or otherwise at retail or in producing farm products to be fed to  
197 livestock or poultry to be sold ultimately in processed form at retail;

198 (23) Except as otherwise provided in section 144.032, all sales of metered  
199 water service, electricity, electrical current, natural, artificial or propane gas,  
200 wood, coal or home heating oil for domestic use and in any city not within a  
201 county, all sales of metered or unmetered water service for domestic use:

202 (a) "Domestic use" means that portion of metered water service,  
203 electricity, electrical current, natural, artificial or propane gas, wood, coal or  
204 home heating oil, and in any city not within a county, metered or unmetered  
205 water service, which an individual occupant of a residential premises uses for  
206 nonbusiness, noncommercial or nonindustrial purposes. Utility service through  
207 a single or master meter for residential apartments or condominiums, including  
208 service for common areas and facilities and vacant units, shall be deemed to be  
209 for domestic use. Each seller shall establish and maintain a system whereby  
210 individual purchases are determined as exempt or nonexempt;

211 (b) Regulated utility sellers shall determine whether individual purchases  
212 are exempt or nonexempt based upon the seller's utility service rate  
213 classifications as contained in tariffs on file with and approved by the Missouri  
214 public service commission. Sales and purchases made pursuant to the rate  
215 classification "residential" and sales to and purchases made by or on behalf of the  
216 occupants of residential apartments or condominiums through a single or master  
217 meter, including service for common areas and facilities and vacant units, shall  
218 be considered as sales made for domestic use and such sales shall be exempt from  
219 sales tax. Sellers shall charge sales tax upon the entire amount of purchases  
220 classified as nondomestic use. The seller's utility service rate classification and  
221 the provision of service thereunder shall be conclusive as to whether or not the  
222 utility must charge sales tax;

223 (c) Each person making domestic use purchases of services or property  
224 and who uses any portion of the services or property so purchased for a  
225 nondomestic use shall, by the fifteenth day of the fourth month following the year  
226 of purchase, and without assessment, notice or demand, file a return and pay  
227 sales tax on that portion of nondomestic purchases. Each person making  
228 nondomestic purchases of services or property and who uses any portion of the  
229 services or property so purchased for domestic use, and each person making  
230 domestic purchases on behalf of occupants of residential apartments or  
231 condominiums through a single or master meter, including service for common  
232 areas and facilities and vacant units, under a nonresidential utility service rate

233 classification may, between the first day of the first month and the fifteenth day  
234 of the fourth month following the year of purchase, apply for credit or refund to  
235 the director of revenue and the director shall give credit or make refund for taxes  
236 paid on the domestic use portion of the purchase. The person making such  
237 purchases on behalf of occupants of residential apartments or condominiums shall  
238 have standing to apply to the director of revenue for such credit or refund;

239 (24) All sales of handicraft items made by the seller or the seller's spouse  
240 if the seller or the seller's spouse is at least sixty-five years of age, and if the total  
241 gross proceeds from such sales do not constitute a majority of the annual gross  
242 income of the seller;

243 (25) Excise taxes, collected on sales at retail, imposed by Sections 4041,  
244 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United  
245 States Code. The director of revenue shall promulgate rules pursuant to chapter  
246 536, RSMo, to eliminate all state and local sales taxes on such excise taxes;

247 (26) Sales of fuel consumed or used in the operation of ships, barges, or  
248 waterborne vessels which are used primarily in or for the transportation of  
249 property or cargo, or the conveyance of persons for hire, on navigable rivers  
250 bordering on or located in part in this state, if such fuel is delivered by the seller  
251 to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such  
252 river;

253 (27) All sales made to an interstate compact agency created pursuant to  
254 sections 70.370 to 70.441, RSMo, or sections 238.010 to 238.100, RSMo, in the  
255 exercise of the functions and activities of such agency as provided pursuant to the  
256 compact;

257 (28) Computers, computer software and computer security systems  
258 purchased for use by architectural or engineering firms headquartered in this  
259 state. For the purposes of this subdivision, "headquartered in this state" means  
260 the office for the administrative management of at least four integrated facilities  
261 operated by the taxpayer is located in the state of Missouri;

262 (29) All livestock sales when either the seller is engaged in the growing,  
263 producing or feeding of such livestock, or the seller is engaged in the business of  
264 buying and selling, bartering or leasing of such livestock;

265 (30) All sales of barges which are to be used primarily in the  
266 transportation of property or cargo on interstate waterways;

267 (31) Electrical energy or gas, whether natural, artificial or propane, water,  
268 or other utilities which are ultimately consumed in connection with the  
269 manufacturing of cellular glass products or in any material recovery processing  
270 plant as defined in subdivision (4) of this subsection;



271 (32) Notwithstanding other provisions of law to the contrary, all sales of  
272 pesticides or herbicides used in the production of crops, aquaculture, livestock or  
273 poultry;

274 (33) Tangible personal property and utilities purchased for use or  
275 consumption directly or exclusively in the research and development of  
276 agricultural/biotechnology and plant genomics products and prescription  
277 pharmaceuticals consumed by humans or animals;

278 (34) All sales of grain bins for storage of grain for resale;

279 (35) All sales of feed which are developed for and used in the feeding of  
280 pets owned by a commercial breeder when such sales are made to a commercial  
281 breeder, as defined in section 273.325, RSMo, and licensed pursuant to sections  
282 273.325 to 273.357, RSMo;

283 (36) All purchases by a contractor on behalf of an entity located in another  
284 state, provided that the entity is authorized to issue a certificate of exemption for  
285 purchases to a contractor under the provisions of that state's laws. For purposes  
286 of this subdivision, the term "certificate of exemption" shall mean any document  
287 evidencing that the entity is exempt from sales and use taxes on purchases  
288 pursuant to the laws of the state in which the entity is located. Any contractor  
289 making purchases on behalf of such entity shall maintain a copy of the entity's  
290 exemption certificate as evidence of the exemption. If the exemption certificate  
291 issued by the exempt entity to the contractor is later determined by the director  
292 of revenue to be invalid for any reason and the contractor has accepted the  
293 certificate in good faith, neither the contractor or the exempt entity shall be liable  
294 for the payment of any taxes, interest and penalty due as the result of use of the  
295 invalid exemption certificate. Materials shall be exempt from all state and local  
296 sales and use taxes when purchased by a contractor for the purpose of fabricating  
297 tangible personal property which is used in fulfilling a contract for the purpose  
298 of constructing, repairing or remodeling facilities for the following:

299 (a) An exempt entity located in this state, if the entity is one of those  
300 entities able to issue project exemption certificates in accordance with the  
301 provisions of section 144.062; or

302 (b) An exempt entity located outside the state if the exempt entity is  
303 authorized to issue an exemption certificate to contractors in accordance with the  
304 provisions of that state's law and the applicable provisions of this section;

305 (37) All sales or other transfers of tangible personal property to a lessor  
306 who leases the property under a lease of one year or longer executed or in effect  
307 at the time of the sale or other transfer to an interstate compact agency created  
308 pursuant to sections 70.370 to 70.441, RSMo, or sections 238.010 to 238.100,

309 RSMo;

310 (38) Sales of tickets to any collegiate athletic championship event that is  
311 held in a facility owned or operated by a governmental authority or commission,  
312 a quasi-governmental agency, a state university or college or by the state or any  
313 political subdivision thereof, including a municipality, and that is played on a  
314 neutral site and may reasonably be played at a site located outside the state of  
315 Missouri. For purposes of this subdivision, "neutral site" means any site that is  
316 not located on the campus of a conference member institution participating in the  
317 event;

318 (39) All purchases by a sports complex authority created under section  
319 64.920, RSMo;

320 **(40) Beginning January 1, 2009, but not after January 1, 2015,**  
321 **materials, replacement parts, and equipment purchased for use directly**  
322 **upon, and for the modification, replacement, repair, and maintenance**  
323 **of aircraft, aircraft power plants, and aircraft accessories.**

144.805. 1. In addition to the exemptions granted pursuant to the  
2 provisions of section 144.030, there shall also be specifically exempted from the  
3 provisions of sections 144.010 to 144.525, sections 144.600 to 144.748, and section  
4 238.235, RSMo, and the provisions of any local sales tax law, as defined in section  
5 32.085, RSMo, and from the computation of the tax levied, assessed or payable  
6 pursuant to sections 144.010 to 144.525, sections 144.600 to 144.748, and section  
7 238.235, RSMo, and the provisions of any local sales tax law, as defined in section  
8 32.085, RSMo, all sales of aviation jet fuel in a given calendar year to common  
9 carriers engaged in the interstate air transportation of passengers and cargo, and  
10 the storage, use and consumption of such aviation jet fuel by such common  
11 carriers, if such common carrier has first paid to the state of Missouri, in  
12 accordance with the provisions of this chapter, state sales and use taxes pursuant  
13 to the foregoing provisions and applicable to the purchase, storage, use or  
14 consumption of such aviation jet fuel in a maximum and aggregate amount of one  
15 million five hundred thousand dollars of state sales and use taxes in such  
16 calendar year.

17 2. To qualify for the exemption prescribed in subsection 1 of this section,  
18 the common carrier shall furnish to the seller a certificate in writing to the effect  
19 that an exemption pursuant to this section is applicable to the aviation jet fuel  
20 so purchased, stored, used and consumed. The director of revenue shall permit  
21 any such common carrier to enter into a direct-pay agreement with the  
22 department of revenue, pursuant to which such common carrier may pay directly  
23 to the department of revenue any applicable sales and use taxes on such aviation

24 jet fuel up to the maximum aggregate amount of one million five hundred  
25 thousand dollars in each calendar year. The director of revenue shall adopt  
26 appropriate rules and regulations to implement the provisions of this section, and  
27 to permit appropriate claims for refunds of any excess sales and use taxes  
28 collected in calendar year 1993 or any subsequent year with respect to any such  
29 common carrier and aviation jet fuel.

30 3. The provisions of this section shall apply to all purchases and deliveries  
31 of aviation jet fuel from and after May 10, 1993.

32 4. All sales and use tax revenues upon aviation jet fuel received pursuant  
33 to this chapter, less the amounts specifically designated pursuant to the  
34 constitution or pursuant to section 144.701 for other purposes, shall be deposited  
35 to the credit of the aviation trust fund established pursuant to section [305.230]  
36 **155.090**, RSMo; provided however, the amount of such state sales and use tax  
37 revenues deposited to the credit of such aviation trust fund shall not exceed [six]  
38 **ten** million dollars in each calendar year.

39 5. The provisions of this section and section 144.807 shall expire on  
40 December 31, 2013.

155.010. As used in this chapter, the following terms mean:

2 (1) "Aircraft", any contrivance now known, or hereafter invented, used or  
3 designed for navigation of, or flight in, the air;

4 (2) "Airline company", any person, firm, partnership, corporation, trustee,  
5 receiver or assignee, and all other persons, whether or not in a representative  
6 capacity, undertaking to engage in the carriage of persons or cargo for hire by  
7 commercial aircraft pursuant to certificates of convenience and necessity issued  
8 by the federal Civil Aeronautics Board, or successor thereof, or any  
9 noncertificated air carrier authorized to engage in irregular and infrequent air  
10 transportation by the federal Civil Aeronautics Board, or successor thereof;

11 (3) "Aviation fuel", any fuel specifically compounded for use in  
12 reciprocating aircraft engines;

13 (4) "Commercial aircraft", aircraft fully equipped for flight and of more  
14 than [seven] **three** thousand pounds maximum certified gross take-off weight.

**227.102. 1. Notwithstanding any other provision of law to the**  
2 **contrary, the commission is authorized to receive bids and bid bonds**  
3 **for any contract for construction, maintenance, repair, or improvement**  
4 **of any bridge or highway on the state highway system electronically via**  
5 **the Internet. Such electronically submitted bids and bid bonds shall**  
6 **contain digital signatures and seals, and all other required bid**  
7 **information and certifications, in accordance with commission**

8 administrative rules, sections 432.200 to 432.295, RSMo, and with any  
9 applicable federal competitive bidding requirements. At its discretion,  
10 the commission may elect to receive both electronic and paper bids, or  
11 the commission may specify electronic bidding exclusively for any  
12 proposed contract.

13 2. Any electronic bidding program or service implemented by the  
14 commission and the electronic bid and bid bond vendor shall meet the  
15 following criteria, at a minimum:

16 (1) Each bidder must be able to transmit an electronic bid and  
17 bid bond securely and confidentially through bid encryption or other  
18 protection measures;

19 (2) Each bidder must receive prompt confirmation of the timely  
20 electronic filing of the bidder's bid and bid bond;

21 (3) Each bidder must be able to withdraw or replace the bidder's  
22 filed electronic bid and bid bond prior to the time bids are opened;

23 (4) Each bid filed electronically must be inaccessible or  
24 unreadable to all others except for the bidder prior to the time bids are  
25 opened;

26 (5) The portal for filing bids must have a mechanism to block any  
27 additional bids or modifications to bids when bids are scheduled to be  
28 opened; and

29 (6) Commission representatives and officials of the department  
30 of transportation must have full and immediate access to the bids and  
31 bid bonds at the time bids are designated to be opened, but not prior  
32 to that time.

33 3. The commission is authorized to promulgate administrative  
34 rules to administer the provisions in this section. Any rule or portion  
35 of a rule, as that term is defined in section 536.010, RSMo, that is  
36 created under the authority delegated in this section shall become  
37 effective only if it complies with and is subject to all of the provisions  
38 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This  
39 section and chapter 536, RSMo, are nonseverable and if any of the  
40 powers vested with the general assembly pursuant to chapter 536,  
41 RSMo, to review, to delay the effective date, or to disapprove and annul  
42 a rule are subsequently held unconstitutional, then the grant of  
43 rulemaking authority and any rule proposed or adopted after August  
44 28, 2008, shall be invalid and void.

227.103. 1. Notwithstanding any other provision of law to the

2 contrary, the commission is authorized to accept an annual bid bond  
3 for its construction and maintenance projects. The commission shall  
4 prescribe the form and content of an annual bid bond under the  
5 provisions set forth in the Missouri standard specifications for highway  
6 construction, or its successor.

7 2. The commission is authorized to promulgate administrative  
8 rules to administer the provisions of this section. Any rule or portion  
9 of a rule, as that term is defined in section 536.010, RSMo, that is  
10 created under the authority delegated in this section shall become  
11 effective only if it complies with and is subject to all of the provisions  
12 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This  
13 section and chapter 536, RSMo, are nonseverable and if any of the  
14 powers vested with the general assembly pursuant to chapter 536,  
15 RSMo, to review, to delay the effective date, or to disapprove and annul  
16 a rule are subsequently held unconstitutional, then the grant of  
17 rulemaking authority and any rule proposed or adopted after August  
18 28, 2008, shall be invalid and void.

227.378. The Table Rock Lake bridge on Highway 39 in the  
2 census designated place with more than one thousand three hundred  
3 but fewer than one thousand four hundred inhabitants and partially  
4 located in any county of the third classification without a township  
5 form of government and with more than thirty-four thousand but fewer  
6 than thirty-four thousand one hundred inhabitants shall be designated  
7 the "State Senator Larry Gene Taylor Memorial Bridge".

227.397. The portion of Interstate 55 in Jefferson County from  
2 the intersection of highway M to a point one mile south shall be  
3 designated the "Jeff McBride Memorial Highway". The department of  
4 transportation shall erect and maintain appropriate signs designating  
5 such highway, with the costs to be paid for by private donations.

227.400. The portion of Interstate 44 from mile marker 280 to  
2 mile marker 282 in St. Louis County shall be designated the "Police  
3 Officer Robert Stanze Memorial Highway". The department of  
4 transportation shall erect and maintain appropriate signs designating  
5 such highway, with the costs to be paid for by private donation.

233.155. 1. Whenever the inhabitants of any special road district already  
2 formed under sections 233.010 to 233.165 shall desire to extend the boundaries  
3 of such district to take in territory not included in the original district, and shall  
4 present a petition to the county commission of the county in which such district

5 is located, or if the proposed district is to include portions of more than one  
6 county, then to the county commissions of each of such counties, signed by not  
7 less than thirty-five voters in the old district and not less than fifty percent of the  
8 voters in the territory proposed to be taken into said district, asking the county  
9 commission or commissions of such county or counties to submit the proposition  
10 of the proposed extension of such road district to a vote of the people of such  
11 proposed district for their adoption or rejection, the county commission of such  
12 county, or if the proposed district shall include parts of more than one county, the  
13 county commissions of all such counties, shall each make an order of record that  
14 the proposed extension of said road district under the provisions of this section,  
15 describing the same by its title and the date of its approval, and describing the  
16 boundaries of the district as proposed to be extended, be submitted to the voters  
17 of such proposed road district.

18 2. The question shall be submitted in substantially the following form:

19 Shall the special road district be extended?

20 3. If the territory of more than one county be included in said special road  
21 district, the county commission of each county in said district shall, as soon as  
22 the returns are in from said election, cause a certificate to be made out stating  
23 the number of votes cast for and against said proposition in said county, and  
24 cause such certificate to be filed with the county clerk of the county commission  
25 of every other county which shall form a part of said special road district. If it  
26 shall appear from the returns of said county and from said certificate that a  
27 majority of the votes cast upon the proposition in the whole proposed district be  
28 in favor of the extension of said road district, the county commission or county  
29 commissions in said proposed district shall declare the result of the vote thereon  
30 in said proposed district by an order of record, and shall make an order of record  
31 that the above specified road district laws shall extend to and be the law in such  
32 special road district, including the extension thereof, setting out the boundaries  
33 of said district as extended, the same to take effect and be in force from and after  
34 a day to be named in such order, said day to be not more than twenty days after  
35 said election.

36 4. If any territory added to any such original district be in any county  
37 outside of the county of such original district, each county outside of such original  
38 district may appoint one road commissioner to act with the commissioners  
39 appointed in the county of the original district. Such commissioners so appointed  
40 outside of the county of the original district shall serve for a term of three years  
41 from the date of such appointment, and until their successors shall be appointed  
42 and qualified. Such commissioners shall be voters of such added territory in such

43 county of their appointment. Except as herein provided, such commissioners  
44 shall be governed by sections 233.010 to 233.165. No change shall be made in the  
45 number of commissioners appointed by the county of the original district or in the  
46 manner of their appointment. **In any special road district located in two**  
47 **counties with an additional fourth commissioner appointed by the**  
48 **county outside of the original district as provided in this subsection, a**  
49 **fifth commissioner may be appointed by the same county that**  
50 **appointed the fourth commissioner. Except as herein provided, a fifth**  
51 **commissioner shall be governed by sections 233.010 to 233.165, shall**  
52 **serve for a term of three years from the date of the appointment and**  
53 **until the fifth commissioner's successor shall be appointed and**  
54 **qualified, and shall be a voter of the county of appointment.**

55 5. If a majority of the votes of the proposed district, as extended, be cast  
56 in favor of such extension, then the territory of such district, as extended, shall  
57 be governed by sections 233.010 to 233.165. But if such extension proposition  
58 shall not receive a majority of the votes of said district, as extended, then said  
59 special road district shall remain as it was before said petition was filed. Any  
60 special road district extended under the provisions of this section may be  
61 extended so that after such extension it shall not be more than seventeen miles  
62 square.

238.202. 1. As used in sections 238.200 to 238.275, the following terms  
2 mean:

- 3 (1) "Board", the board of directors of a district;
- 4 (2) "Commission", the Missouri highways and transportation commission;
- 5 (3) "District", a transportation development district organized under  
6 sections 238.200 to 238.275;
- 7 (4) "Local transportation authority", a county, city, town, village, county  
8 highway commission, special road district, interstate compact agency, or any local  
9 public authority or political subdivision having jurisdiction over any bridge,  
10 street, highway, dock, wharf, ferry, lake or river port, airport, railroad, light rail  
11 or other transit improvement or service;
- 12 (5) "Project" includes any bridge, street, road, highway, access road,  
13 interchange, intersection, signing, signalization, parking lot, bus stop, station,  
14 garage, terminal, hangar, shelter, rest area, dock, wharf, lake or river port,  
15 airport, railroad, light rail, or other mass transit and any similar or related  
16 improvement or infrastructure.

17 2. For the purposes of sections 11(c), 16 and 22 of article X of the  
18 Constitution of Missouri, section 137.073, RSMo, and as used in sections 238.200

19 to 238.275, the following terms shall have the meanings given:

20 (1) "Approval of the required majority" or "direct voter approval", a simple  
21 majority;

22 (2) "Qualified electors", "qualified voters" or "voters"[,]:

23 (a) Within [the] a proposed or established district, **except for a district**  
24 **proposed under subsection 1 of section 238.207**, any persons residing  
25 therein who have registered to vote pursuant to chapter 115, RSMo[, and]; **or**

26 (b) **Within a district proposed or established under subsection 1**  
27 **of section 238.207 which has no persons residing therein who have**  
28 **registered to vote pursuant to chapter 115, RSMo**, the owners of record  
29 **of all real property located in the district**, who shall receive one vote per acre,  
30 provided that [any] if a registered voter [who also owns property] **subsequent**  
31 **to the creation of the district becomes a resident within the district and**  
32 **obtains ownership of property within the district, such registered voter**  
33 **must elect whether to vote as an owner of real property or as a registered**  
34 **voter, which election once made cannot thereafter be changed;**

35 (3) "Registered voters", persons qualified and registered to vote pursuant  
36 to chapter 115, RSMo.

238.207. 1. Whenever the creation of a district is desired, not less than  
2 fifty registered voters from each county partially or totally within the proposed  
3 district may file a petition requesting the creation of a district. However, if no  
4 persons eligible to be registered voters reside within the district, the owners of  
5 record of all of the real property, except public streets, located within the  
6 proposed district may file a petition requesting the creation of a district. The  
7 petition shall be filed in the circuit court of any county partially or totally within  
8 the proposed district.

9 2. Alternatively, the governing body of any local transportation authority  
10 within any county in which a proposed project may be located may file a petition  
11 in the circuit court of that county, requesting the creation of a district.

12 3. The proposed district area shall be contiguous and may contain all or  
13 any portion of one or more municipalities and counties; provided:

14 (1) Property separated only by public streets, easements or rights-of-way  
15 shall be considered contiguous;

16 (2) In the case of a district formed pursuant to a petition filed by the  
17 owners of record of all of the real property located within the proposed district,  
18 the proposed district area need not contain contiguous properties if:

19 (a) The petition provides that the only funding method for project costs  
20 will be a sales tax;



21 (b) The court finds that all of the real property located within the  
22 proposed district will benefit by the projects to be undertaken by the district; and

23 (c) Each parcel within the district is within five miles of every other  
24 parcel; and

25 (3) In the case of a district created pursuant to subsection 5 of this  
26 section, property separated only by public streets, easements, or rights-of-way or  
27 connected by a single public street, easement, or right-of-way shall be considered  
28 contiguous.

29 4. The petition shall set forth:

30 (1) The name, voting residence and county of residence of each individual  
31 petitioner, or, if no persons eligible to be registered voters reside within the  
32 proposed district, the name and address of each owner of record of real property  
33 located within the proposed district, or shall recite that the petitioner is the  
34 governing body of a local transportation authority acting in its official capacity;

35 (2) The name and address of each respondent. Respondents must include  
36 the commission and each affected local transportation authority within the  
37 proposed district, except a petitioning local transportation authority;

38 (3) A specific description of the proposed district boundaries including a  
39 map illustrating such boundaries;

40 (4) A general description of each project proposed to be undertaken by  
41 that district, including a description of the approximate location of each project;

42 (5) The estimated project costs and the anticipated revenues to be  
43 collected from the project;

44 (6) The name of the proposed district;

45 (7) The number of members of the board of directors of the proposed  
46 district, which shall be not less than five or more than fifteen;

47 (8) A statement that the terms of office of initial board members shall be  
48 staggered in approximately equal numbers to expire in one, two or three years;

49 (9) If the petition was filed by registered voters or by a governing body,  
50 a request that the question be submitted to the qualified voters within the limits  
51 of the proposed district whether they will establish a transportation development  
52 district to develop a specified project or projects;

53 (10) A proposal for funding the district initially, pursuant to the authority  
54 granted in sections 238.200 to 238.275, together with a request that the funding  
55 proposal be submitted to the qualified voters within the limits of the proposed  
56 district; provided, however, the funding method of special assessments may also  
57 be approved as provided in subsection 1 of section 238.230; and

58 (11) A statement that the proposed district shall not be an undue burden

59 on any owner of property within the district and is not unjust or unreasonable.

60           5. (1) As an alternative to the methods described in subsections 1 and 2  
61 of this section, if two or more local transportation authorities have adopted  
62 resolutions calling for the joint establishment of a district, the governing body of  
63 any one such local transportation authority may file a petition in the circuit court  
64 of any county in which the proposed project is located requesting the creation of  
65 a district; **or, if not less than fifty registered voters from each of two or**  
66 **more counties sign a petition calling for the joint establishment of a**  
67 **district for the purpose of developing a project that lies in whole or in**  
68 **part within those same counties, the petition may be filed in the circuit**  
69 **court of any of those counties in which not less than fifty registered**  
70 **voters have signed the petition.**

71           (2) The proposed district area shall be contiguous and may contain all or  
72 any portion of one or more municipalities and counties. Property separated only  
73 by public streets, easements, or rights-of-way or connected by a single public  
74 street, easement, or right-of-way shall be considered contiguous.

75           (3) The petition shall set forth:

76           (a) That the petitioner is the governing body of a local transportation  
77 authority acting in its official capacity; **or, if the petition was filed by**  
78 **obtaining the signatures of not less than fifty registered voters in each**  
79 **of two or more counties, it shall set forth the name, voting residence,**  
80 **and county of residence of each individual petitioner;**

81           (b) The name of each local transportation authority within the proposed  
82 district. The resolution of the governing body of each local transportation  
83 authority calling for the joint establishment of the district shall be attached to  
84 the petition;

85           (c) The name and address of each respondent. Respondents must include  
86 the commission and each affected local transportation authority within the  
87 proposed district, except a petitioning local transportation authority;

88           (d) A specific description of the proposed district boundaries including a  
89 map illustrating such boundaries;

90           (e) A general description of each project proposed to be undertaken by the  
91 district, including a description of the approximate location of each project;

92           (f) The name of the proposed district;

93           (g) The number of members of the board of directors of the proposed  
94 district;

95           (h) A request that the question be submitted to the qualified voters within  
96 the limits of the proposed district whether they will establish a transportation

97 development district to develop the projects described in the petition;

98 (i) A proposal for funding the district initially, pursuant to the authority  
99 granted in sections 238.200 to 238.275, together with a request that the  
100 imposition of the funding proposal be submitted to the qualified voters residing  
101 within the limits of the proposed district; provided, however, the funding method  
102 of special assessments may also be approved as provided in subsection 1 of  
103 section 238.230; and

104 (j) A statement that the proposed district shall not be an undue burden  
105 on any owner of property within the district and is not unjust or unreasonable.

238.210. 1. Within thirty days after the petition is filed, the circuit court  
2 clerk shall serve a copy of the petition on the respondents who shall have thirty  
3 days after receipt of service to file an answer stating agreement with or  
4 opposition to the creation of the district. If any respondent files its answer  
5 opposing the creation of the district, it shall recite legal reasons why the petition  
6 is defective, why the proposed district is illegal or unconstitutional, or why the  
7 proposed method for funding the district is illegal or unconstitutional. The  
8 respondent shall ask the court for a declaratory judgment respecting these  
9 issues. The answer of each respondent shall be served on each petitioner and  
10 every other respondent named in the petition. Any resident, taxpayer, any other  
11 entity, or any local transportation authority within the proposed district may join  
12 in or file a petition supporting or answer opposing the creation of the district and  
13 seeking a declaratory judgment respecting these same issues within thirty days  
14 after the date notice is last published by the circuit clerk.

15 2. The court shall hear the case without a jury. If the court shall  
16 thereafter determine the petition is defective or the proposed district is illegal or  
17 unconstitutional, or shall be an undue burden on any owner of property within  
18 the district or is unjust and unreasonable, it shall enter its declaratory judgment  
19 to that effect and shall refuse to make the certifications requested in the  
20 pleadings. If the court determines that any proposed funding method is illegal  
21 or unconstitutional, it shall enter its judgment striking that funding method in  
22 whole or part. If the court determines the petition is not legally defective and the  
23 proposed district and method of funding are neither illegal nor unconstitutional,  
24 the court shall enter its judgment to that effect. If the petition was filed by  
25 registered voters or by a governing body, the court shall then certify the questions  
26 regarding district creation, project development, and proposed funding for voter  
27 approval. If the petition was filed by a governing body, **or by no less than fifty**  
28 **registered voters of two or more counties**, pursuant to subsection 5 of  
29 section 238.207, the court shall then certify the single question regarding district

30 creation, project development, and proposed funding for voter approval. If the  
31 petition was filed by the owners of record of all of the real property located within  
32 the proposed district, the court shall declare the district organized and certify the  
33 funding methods stated in the petition for qualified voter approval; provided,  
34 however, the funding method of special assessments may also be approved as  
35 provided in subsection 1 of section 238.230. In either case, if no objections to the  
36 petition are timely filed, the court may make such certifications based upon the  
37 pleadings before it without any hearing.

38 3. Any party having filed an answer or petition may appeal the circuit  
39 court's order or declaratory judgment in the same manner provided for other  
40 appeals. **The circuit court shall have continuing jurisdiction to enter**  
41 **such orders as are required for the administration of the district after**  
42 **its formation.**

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120  
2 to 304.260, RSMo, and sections 307.010 to 307.175, RSMo, the following terms  
3 mean:

4 (1) "All-terrain vehicle", any motorized vehicle manufactured and used  
5 exclusively for off-highway use which is fifty inches or less in width, with an  
6 unladen dry weight of one thousand pounds or less, traveling on three, four or  
7 more low pressure tires, with a seat designed to be straddled by the operator, or  
8 with a seat designed to carry more than one person, and handlebars for steering  
9 control;

10 (2) "Automobile transporter", any vehicle combination designed and used  
11 specifically for the transport of assembled motor vehicles;

12 (3) "Axle load", the total load transmitted to the road by all wheels whose  
13 centers are included between two parallel transverse vertical planes forty inches  
14 apart, extending across the full width of the vehicle;

15 (4) "Boat transporter", any vehicle combination designed and used  
16 specifically to transport assembled boats and boat hulls;

17 (5) "Body shop", a business that repairs physical damage on motor  
18 vehicles that are not owned by the shop or its officers or employees by mending,  
19 straightening, replacing body parts, or painting;

20 (6) "Bus", a motor vehicle primarily for the transportation of a driver and  
21 eight or more passengers but not including shuttle buses;

22 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used  
23 for carrying freight and merchandise, or more than eight passengers but not  
24 including vanpools or shuttle buses;

25 (8) "Cotton trailer", a trailer designed and used exclusively for

26 transporting cotton at speeds less than forty miles per hour from field to field or  
27 from field to market and return;

28 (9) "Dealer", any person, firm, corporation, association, agent or subagent  
29 engaged in the sale or exchange of new, used or reconstructed motor vehicles or  
30 trailers;

31 (10) "Director" or "director of revenue", the director of the department of  
32 revenue;

33 (11) "Driveaway operation":

34 (a) The movement of a motor vehicle or trailer by any person or motor  
35 carrier other than a dealer over any public highway, under its own power singly,  
36 or in a fixed combination of two or more vehicles, for the purpose of delivery for  
37 sale or for delivery either before or after sale;

38 (b) The movement of any vehicle or vehicles, not owned by the transporter,  
39 constituting the commodity being transported, by a person engaged in the  
40 business of furnishing drivers and operators for the purpose of transporting  
41 vehicles in transit from one place to another by the driveaway or towaway  
42 methods; or

43 (c) The movement of a motor vehicle by any person who is lawfully  
44 engaged in the business of transporting or delivering vehicles that are not the  
45 person's own and vehicles of a type otherwise required to be registered, by the  
46 driveaway or towaway methods, from a point of manufacture, assembly or  
47 distribution or from the owner of the vehicles to a dealer or sales agent of a  
48 manufacturer or to any consignee designated by the shipper or consignor;

49 (12) "Dromedary", a box, deck, or plate mounted behind the cab and  
50 forward of the fifth wheel on the frame of the power unit of a truck  
51 tractor-semitrailer combination. A truck tractor equipped with a dromedary may  
52 carry part of a load when operating independently or in a combination with a  
53 semitrailer;

54 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;

55 (14) "Fleet", any group of ten or more motor vehicles owned by the same  
56 owner;

57 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

58 (16) "Fullmount", a vehicle mounted completely on the frame of either the  
59 first or last vehicle in a saddlemount combination;

60 (17) "Gross weight", the weight of vehicle and/or vehicle combination  
61 without load, plus the weight of any load thereon;

62 (18) "Hail-damaged vehicle", any vehicle, the body of which has become  
63 dented as the result of the impact of hail;

64 (19) "Highway", any public thoroughfare for vehicles, including state  
65 roads, county roads and public streets, avenues, boulevards, parkways or alleys  
66 in any municipality;

67 (20) "Improved highway", a highway which has been paved with gravel,  
68 macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall  
69 have a hard, smooth surface;

70 (21) "Intersecting highway", any highway which joins another, whether  
71 or not it crosses the same;

72 (22) "Junk vehicle", a vehicle which is incapable of operation or use upon  
73 the highways and has no resale value except as a source of parts or scrap, and  
74 shall not be titled or registered;

75 (23) "Kit vehicle", a motor vehicle assembled by a person other than a  
76 generally recognized manufacturer of motor vehicles by the use of a glider kit or  
77 replica purchased from an authorized manufacturer and accompanied by a  
78 manufacturer's statement of origin;

79 (24) "Land improvement contractors' commercial motor vehicle", any  
80 not-for-hire commercial motor vehicle the operation of which is confined to:

81 (a) An area that extends not more than a radius of one hundred miles  
82 from its home base of operations when transporting its owner's machinery,  
83 equipment, or auxiliary supplies to or from projects involving soil and water  
84 conservation, or to and from equipment dealers' maintenance facilities for  
85 maintenance purposes; or

86 (b) An area that extends not more than a radius of fifty miles from its  
87 home base of operations when transporting its owner's machinery, equipment, or  
88 auxiliary supplies to or from projects not involving soil and water conservation.  
89 Nothing in this subdivision shall be construed to prevent any motor vehicle from  
90 being registered as a commercial motor vehicle or local commercial motor vehicle;

91 (25) "Local commercial motor vehicle", a commercial motor vehicle whose  
92 operations are confined solely to a municipality and that area extending not more  
93 than fifty miles therefrom, or a commercial motor vehicle whose property-carrying  
94 operations are confined solely to the transportation of property owned by any  
95 person who is the owner or operator of such vehicle to or from a farm owned by  
96 such person or under the person's control by virtue of a landlord and tenant lease;  
97 provided that any such property transported to any such farm is for use in the  
98 operation of such farm;

99 (26) "Local log truck", a commercial motor vehicle which is registered  
100 pursuant to this chapter to operate as a motor vehicle on the public highways of  
101 this state, used exclusively in this state, used to transport harvested forest

102 products, operated solely at a forested site and in an area extending not more  
103 than a one hundred-mile radius from such site, carries a load with dimensions not  
104 in excess of twenty-five cubic yards per two axles with dual wheels, and when  
105 operated on the national system of interstate and defense highways described in  
106 Title 23, Section 103(e) of the United States Code, such vehicle shall not exceed  
107 the weight limits of section 304.180, RSMo, does not have more than four axles,  
108 and does not pull a trailer which has more than two axles. Harvesting equipment  
109 which is used specifically for cutting, felling, trimming, delimbing, debarking,  
110 chipping, skidding, loading, unloading, and stacking may be transported on a  
111 local log truck. A local log truck may not exceed the limits required by law,  
112 however, if the truck does exceed such limits as determined by the inspecting  
113 officer, then notwithstanding any other provisions of law to the contrary, such  
114 truck shall be subject to the weight limits required by such sections as licensed  
115 for eighty thousand pounds;

116 (27) "Local log truck tractor", a commercial motor vehicle which is  
117 registered under this chapter to operate as a motor vehicle on the public  
118 highways of this state, used exclusively in this state, used to transport harvested  
119 forest products, operated solely at a forested site and in an area extending not  
120 more than a one hundred-mile radius from such site, operates with a weight not  
121 exceeding twenty-two thousand four hundred pounds on one axle or with a weight  
122 not exceeding forty-four thousand eight hundred pounds on any tandem axle, and  
123 when operated on the national system of interstate and defense highways  
124 described in Title 23, Section 103(e) of the United States Code, such vehicle does  
125 not exceed the weight limits contained in section 304.180, RSMo, and does not  
126 have more than three axles and does not pull a trailer which has more than two  
127 axles. Violations of axle weight limitations shall be subject to the load limit  
128 penalty as described for in sections 304.180 to 304.220, RSMo;

129 (28) "Local transit bus", a bus whose operations are confined wholly  
130 within a municipal corporation, or wholly within a municipal corporation and a  
131 commercial zone, as defined in section 390.020, RSMo, adjacent thereto, forming  
132 a part of a public transportation system within such municipal corporation and  
133 such municipal corporation and adjacent commercial zone;

134 (29) "Log truck", a vehicle which is not a local log truck or local log truck  
135 tractor and is used exclusively to transport harvested forest products to and from  
136 forested sites which is registered pursuant to this chapter to operate as a motor  
137 vehicle on the public highways of this state for the transportation of harvested  
138 forest products;

139 (30) "Major component parts", the rear clip, cowl, frame, body, cab,

140 front-end assembly, and front clip, as those terms are defined by the director of  
141 revenue pursuant to rules and regulations or by illustrations;

142 (31) "Manufacturer", any person, firm, corporation or association engaged  
143 in the business of manufacturing or assembling motor vehicles, trailers or vessels  
144 for sale;

145 (32) "Mobile scrap processor", a business located in Missouri or any other  
146 state that comes onto a salvage site and crushes motor vehicles and parts for  
147 transportation to a shredder or scrap metal operator for recycling;

148 (33) "Motor change vehicle", a vehicle manufactured prior to August, 1957,  
149 which receives a new, rebuilt or used engine, and which used the number  
150 stamped on the original engine as the vehicle identification number;

151 (34) "Motor vehicle", any self-propelled vehicle not operated exclusively  
152 upon tracks, except farm tractors;

153 (35) "Motor vehicle primarily for business use", any vehicle other than a  
154 recreational motor vehicle, motorcycle, motortricycle, or any commercial motor  
155 vehicle licensed for over twelve thousand pounds:

156 (a) Offered for hire or lease; or

157 (b) The owner of which also owns ten or more such motor vehicles;

158 (36) "Motorcycle", a motor vehicle operated on two wheels;

159 (37) "Motorized bicycle", any two-wheeled or three-wheeled device having  
160 an automatic transmission and a motor with a cylinder capacity of not more than  
161 fifty cubic centimeters, which produces less than three gross brake horsepower,  
162 and is capable of propelling the device at a maximum speed of not more than  
163 thirty miles per hour on level ground;

164 (38) "Motortricycle", a motor vehicle operated on three wheels, including  
165 a motorcycle while operated with any conveyance, temporary or otherwise,  
166 requiring the use of a third wheel. A motortricycle shall not be included in the  
167 definition of all-terrain vehicle;

168 (39) "Municipality", any city, town or village, whether incorporated or not;

169 (40) "Nonresident", a resident of a state or country other than the state  
170 of Missouri;

171 (41) "Non-USA-std motor vehicle", a motor vehicle not originally  
172 manufactured in compliance with United States emissions or safety standards;

173 (42) "Operator", any person who operates or drives a motor vehicle;

174 (43) "Owner", any person, firm, corporation or association, who holds the  
175 legal title to a vehicle or in the event a vehicle is the subject of an agreement for  
176 the conditional sale or lease thereof with the right of purchase upon performance  
177 of the conditions stated in the agreement and with an immediate right of



178 possession vested in the conditional vendee or lessee, or in the event a mortgagor  
179 of a vehicle is entitled to possession, then such conditional vendee or lessee or  
180 mortgagor shall be deemed the owner for the purpose of this law;

181 (44) "Public garage", a place of business where motor vehicles are housed,  
182 stored, repaired, reconstructed or repainted for persons other than the owners or  
183 operators of such place of business;

184 (45) "Rebuilder", a business that repairs or rebuilds motor vehicles owned  
185 by the rebuilder, but does not include certificated common or contract carriers of  
186 persons or property;

187 (46) "Reconstructed motor vehicle", a vehicle that is altered from its  
188 original construction by the addition or substitution of two or more new or used  
189 major component parts, excluding motor vehicles made from all new parts, and  
190 new multistage manufactured vehicles;

191 (47) "Recreational motor vehicle", any motor vehicle designed, constructed  
192 or substantially modified so that it may be used and is used for the purposes of  
193 temporary housing quarters, including therein sleeping and eating facilities  
194 which are either permanently attached to the motor vehicle or attached to a unit  
195 which is securely attached to the motor vehicle. Nothing herein shall prevent any  
196 motor vehicle from being registered as a commercial motor vehicle if the motor  
197 vehicle could otherwise be so registered;

198 (48) "Rollback or car carrier", any vehicle specifically designed to  
199 transport wrecked, disabled or otherwise inoperable vehicles, when the  
200 transportation is directly connected to a wrecker or towing service;

201 (49) "Saddlemount combination", a combination of vehicles in which a  
202 truck or truck tractor tows one or more trucks or truck tractors, each connected  
203 by a saddle to the frame or fifth wheel of the vehicle in front of it. The "saddle"  
204 is a mechanism that connects the front axle of the towed vehicle to the frame or  
205 fifth wheel of the vehicle in front and functions like a fifth wheel kingpin  
206 connection. When two vehicles are towed in this manner the combination is  
207 called a "double saddlemount combination". When three vehicles are towed in  
208 this manner, the combination is called a "triple saddlemount combination";

209 (50) "Salvage dealer and dismantler", a business that dismantles used  
210 motor vehicles for the sale of the parts thereof, and buys and sells used motor  
211 vehicle parts and accessories;

212 (51) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:  
213 (a) Was damaged during a year that is no more than six years after the  
214 manufacturer's model year designation for such vehicle to the extent that the  
215 total cost of repairs to rebuild or reconstruct the vehicle to its condition

216 immediately before it was damaged for legal operation on the roads or highways  
217 exceeds eighty percent of the fair market value of the vehicle immediately  
218 preceding the time it was damaged;

219 (b) By reason of condition or circumstance, has been declared salvage,  
220 either by its owner, or by a person, firm, corporation, or other legal entity  
221 exercising the right of security interest in it;

222 (c) Has been declared salvage by an insurance company as a result of  
223 settlement of a claim;

224 (d) Ownership of which is evidenced by a salvage title; or

225 (e) Is abandoned property which is titled pursuant to section 304.155,  
226 RSMo, or section 304.157, RSMo, and designated with the words  
227 "salvage/abandoned property".

228 The total cost of repairs to rebuild or reconstruct the vehicle shall not include the  
229 cost of repairing, replacing, or reinstalling inflatable safety restraints, tires,  
230 sound systems, or damage as a result of hail, or any sales tax on parts or  
231 materials to rebuild or reconstruct the vehicle. For purposes of this definition,  
232 "fair market value" means the retail value of a motor vehicle as:

233 a. Set forth in a current edition of any nationally recognized compilation  
234 of retail values, including automated databases, or from publications commonly  
235 used by the automotive and insurance industries to establish the values of motor  
236 vehicles;

237 b. Determined pursuant to a market survey of comparable vehicles with  
238 regard to condition and equipment; and

239 c. Determined by an insurance company using any other procedure  
240 recognized by the insurance industry, including market surveys, that is applied  
241 by the company in a uniform manner;

242 (52) "School bus", any motor vehicle used solely to transport students to  
243 or from school or to transport students to or from any place for educational  
244 purposes;

245 (53) "Shuttle bus", a motor vehicle used or maintained by any person,  
246 firm, or corporation as an incidental service to transport patrons or customers of  
247 the regular business of such person, firm, or corporation to and from the place of  
248 business of the person, firm, or corporation providing the service at no fee or  
249 charge. Shuttle buses shall not be registered as buses or as commercial motor  
250 vehicles;

251 (54) "Special mobile equipment", every self-propelled vehicle not designed  
252 or used primarily for the transportation of persons or property and incidentally  
253 operated or moved over the highways, including farm equipment, implements of

254 husbandry, road construction or maintenance machinery, ditch-digging apparatus,  
255 stone crushers, air compressors, power shovels, cranes, graders, rollers,  
256 well-drillers and wood-sawing equipment used for hire, asphalt spreaders,  
257 bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,  
258 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag  
259 lines, concrete pump trucks, rock-drilling and earth-moving equipment. This  
260 enumeration shall be deemed partial and shall not operate to exclude other such  
261 vehicles which are within the general terms of this section;

262 (55) "Specially constructed motor vehicle", a motor vehicle which shall not  
263 have been originally constructed under a distinctive name, make, model or type  
264 by a manufacturer of motor vehicles. The term specially constructed motor  
265 vehicle includes kit vehicles;

266 (56) "Stinger-steered combination", a truck tractor-semitrailer wherein the  
267 fifth wheel is located on a drop frame located behind and below the rearmost axle  
268 of the power unit;

269 (57) "Tandem axle", a group of two or more axles, arranged one behind  
270 another, the distance between the extremes of which is more than forty inches  
271 and not more than ninety-six inches apart;

272 (58) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor  
273 vehicle designed for drawing other vehicles, but not for the carriage of any load  
274 when operating independently. When attached to a semitrailer, it supports a part  
275 of the weight thereof;

276 (59) "Trailer", any vehicle without motive power designed for carrying  
277 property or passengers on its own structure and for being drawn by a  
278 self-propelled vehicle, except those running exclusively on tracks, including a  
279 semitrailer or vehicle of the trailer type so designed and used in conjunction with  
280 a self-propelled vehicle that a considerable part of its own weight rests upon and  
281 is carried by the towing vehicle. The term "trailer" shall not include cotton  
282 trailers as defined in subdivision (8) of this section and shall not include  
283 manufactured homes as defined in section 700.010, RSMo;

284 (60) "Truck", a motor vehicle designed, used, or maintained for the  
285 transportation of property;

286 (61) "Truck-tractor semitrailer-semitrailer", a combination vehicle in  
287 which the two trailing units are connected with a B-train assembly which is a  
288 rigid frame extension attached to the rear frame of a first semitrailer which  
289 allows for a fifth-wheel connection point for the second semitrailer and has one  
290 less articulation point than the conventional "A dolly" connected truck-tractor  
291 semitrailer-trailer combination;

292 (62) "Truck-trailer boat transporter combination", a boat transporter  
293 combination consisting of a straight truck towing a trailer using typically a ball  
294 and socket connection with the trailer axle located substantially at the trailer  
295 center of gravity rather than the rear of the trailer but so as to maintain a  
296 downward force on the trailer tongue;

297 (63) "Used parts dealer", a business that buys and sells used motor vehicle  
298 parts or accessories, but not including a business that sells only new,  
299 remanufactured or rebuilt parts. "Business" does not include isolated sales at a  
300 swap meet of less than three days;

301 (64) **"Utility vehicle", any motorized vehicle manufactured and**  
302 **used exclusively for off-highway use which is sixty-three inches or less**  
303 **in width, with an unladen dry weight of one thousand eight hundred**  
304 **fifty pounds or less, traveling on four or six wheels, to be used**  
305 **primarily for landscaping, lawn care, or maintenance purposes;**

306 (65) "Vanpool", any van or other motor vehicle used or maintained by any  
307 person, group, firm, corporation, association, city, county or state agency, or any  
308 member thereof, for the transportation of not less than eight nor more than  
309 forty-eight employees, per motor vehicle, to and from their place of employment;  
310 however, a vanpool shall not be included in the definition of the term "bus" or  
311 "commercial motor vehicle" as defined by subdivisions (6) and (7) of this section,  
312 nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by  
313 section 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing  
314 arrangements, recreational, personal, or maintenance uses constitute an  
315 unlicensed use of the motor vehicle, unless used for monetary profit other than  
316 for use in a ride-sharing arrangement;

317 [(65)] (66) "Vehicle", any mechanical device on wheels, designed  
318 primarily for use, or used, on highways, except motorized bicycles, vehicles  
319 propelled or drawn by horses or human power, or vehicles used exclusively on  
320 fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by  
321 handicapped persons;

322 [(66)] (67) "Wrecker" or "tow truck", any emergency commercial vehicle  
323 equipped, designed and used to assist or render aid and transport or tow disabled  
324 or wrecked vehicles from a highway, road, street or highway rights-of-way to a  
325 point of storage or repair, including towing a replacement vehicle to replace a  
326 disabled or wrecked vehicle;

327 [(67)] (68) "Wrecker or towing service", the act of transporting, towing  
328 or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not  
329 owned by the operator of the wrecker, tow truck, rollback or car carrier for which

330 the operator directly or indirectly receives compensation or other personal gain.

301.130. 1. The director of revenue, upon receipt of a proper application  
2 for registration, required fees and any other information which may be required  
3 by law, shall issue to the applicant a certificate of registration in such manner  
4 and form as the director of revenue may prescribe and a set of license plates, or  
5 other evidence of registration, as provided by this section. Each set of license  
6 plates shall bear the name or abbreviated name of this state, the words  
7 "SHOW-ME STATE", the month and year in which the registration shall expire,  
8 and an arrangement of numbers or letters, or both, as shall be assigned from year  
9 to year by the director of revenue. The plates shall also contain fully reflective  
10 material with a common color scheme and design for each type of license plate  
11 issued pursuant to this chapter. The plates shall be clearly visible at night, and  
12 shall be aesthetically attractive. Special plates for qualified disabled veterans  
13 will have the "DISABLED VETERAN" wording on the license plates in preference  
14 to the words "SHOW-ME STATE" and special plates for members of the national  
15 guard will have the "NATIONAL GUARD" wording in preference to the words  
16 "SHOW-ME STATE".

17 2. The arrangement of letters and numbers of license plates shall be  
18 uniform throughout each classification of registration. The director may provide  
19 for the arrangement of the numbers in groups or otherwise, and for other  
20 distinguishing marks on the plates.

21 3. All property-carrying commercial motor vehicles to be registered at a  
22 gross weight in excess of twelve thousand pounds, all passenger-carrying  
23 commercial motor vehicles, local transit buses, school buses, trailers, semitrailers,  
24 motorcycles, motortricycles, motorscooters and driveaway vehicles shall be  
25 registered with the director of revenue as provided for in subsection 3 of section  
26 301.030, or with the state highways and transportation commission as otherwise  
27 provided in this chapter, but only one license plate shall be issued for each such  
28 vehicle [except as provided in this subsection. The applicant for registration of  
29 any property-carrying commercial motor vehicle may request and be issued two  
30 license plates for such vehicle, and if such plates are issued the director of  
31 revenue may assess and collect an additional charge from the applicant in an  
32 amount not to exceed the fee prescribed for personalized license plates in  
33 subsection 1 of section 301.144].

34 4. The plates issued to manufacturers and dealers shall bear the letters  
35 and numbers as prescribed by section 301.560, and the director may place upon  
36 the plates other letters or marks to distinguish commercial motor vehicles and  
37 trailers and other types of motor vehicles.

38           5. No motor vehicle or trailer shall be operated on any highway of this  
39 state unless it shall have displayed thereon the license plate or set of license  
40 plates issued by the director of revenue or the state highways and transportation  
41 commission and authorized by section 301.140. Each such plate shall be securely  
42 fastened to the motor vehicle or trailer in a manner so that all parts thereof shall  
43 be plainly visible and reasonably clean so that the reflective qualities thereof are  
44 not impaired. Each such plate may be encased in a transparent cover so long as  
45 the plate is plainly visible and its reflective qualities are not impaired. License  
46 plates shall be fastened to all motor vehicles except trucks, tractors, truck  
47 tractors or truck-tractors licensed in excess of twelve thousand pounds on the  
48 front and rear of such vehicles not less than eight nor more than forty-eight  
49 inches above the ground, with the letters and numbers thereon right side up. The  
50 license plates on trailers, motorcycles, motortricycles and motorscooters shall be  
51 displayed on the rear of such vehicles, with the letters and numbers thereon right  
52 side up. The license plate on buses, other than school buses, and on trucks,  
53 tractors, truck tractors or truck-tractors licensed in excess of twelve thousand  
54 pounds shall be displayed on the front of such vehicles not less than eight nor  
55 more than forty-eight inches above the ground, with the letters and numbers  
56 thereon right side up or if two plates are issued for the vehicle pursuant to  
57 subsection 3 of this section, displayed in the same manner on the front and rear  
58 of such vehicles. The license plate or plates authorized by section 301.140, when  
59 properly attached, shall be prima facie evidence that the required fees have been  
60 paid.

61           6. (1) The director of revenue shall issue annually or biennially a tab or  
62 set of tabs as provided by law as evidence of the annual payment of registration  
63 fees and the current registration of a vehicle in lieu of the set of  
64 plates. Beginning January 1, 2010, the director may prescribe any additional  
65 information recorded on the tab or tabs to ensure that the tab or tabs positively  
66 correlate with the license plate or plates issued by the department of revenue for  
67 such vehicle. Such tabs shall be produced in each license bureau office.

68           (2) The vehicle owner to whom a tab or set of tabs is issued shall affix and  
69 display such tab or tabs in the designated area of the license plate, no more than  
70 one per plate.

71           (3) A tab or set of tabs issued by the director of revenue when attached  
72 to a vehicle in the prescribed manner shall be prima facie evidence that the  
73 registration fee for such vehicle has been paid.

74           (4) Except as otherwise provided in this section, the director of revenue  
75 shall issue plates for a period of at least six years.

76           (5) For those commercial motor vehicles and trailers registered pursuant  
77 to section 301.041, the plate issued by the highways and transportation  
78 commission shall be a permanent nonexpiring license plate for which no tabs  
79 shall be issued. Nothing in this section shall relieve the owner of any vehicle  
80 permanently registered pursuant to this section from the obligation to pay the  
81 annual registration fee due for the vehicle. The permanent nonexpiring license  
82 plate shall be returned to the highways and transportation commission upon the  
83 sale or disposal of the vehicle by the owner to whom the permanent nonexpiring  
84 license plate is issued, or the plate may be transferred to a replacement  
85 commercial motor vehicle when the owner files a supplemental application with  
86 the Missouri highways and transportation commission for the registration of such  
87 replacement commercial motor vehicle. Upon payment of the annual registration  
88 fee, the highways and transportation commission shall issue a certificate of  
89 registration or other suitable evidence of payment of the annual fee, and such  
90 evidence of payment shall be carried at all times in the vehicle for which it is  
91 issued.

92           (6) Upon the sale or disposal of any vehicle permanently registered under  
93 this section, or upon the termination of a lease of any such vehicle, the permanent  
94 nonexpiring plate issued for such vehicle shall be returned to the highways and  
95 transportation commission and shall not be valid for operation of such vehicle, or  
96 the plate may be transferred to a replacement vehicle when the owner files a  
97 supplemental application with the Missouri highways and transportation  
98 commission for the registration of such replacement vehicle. If a vehicle which  
99 is permanently registered under this section is sold, wrecked or otherwise  
100 disposed of, or the lease terminated, the registrant shall be given credit for any  
101 unused portion of the annual registration fee when the vehicle is replaced by the  
102 purchase or lease of another vehicle during the registration year.

103           7. The director of revenue and the highways and transportation  
104 commission may prescribe rules and regulations for the effective administration  
105 of this section. No rule or portion of a rule promulgated under the authority of  
106 this section shall become effective unless it has been promulgated pursuant to the  
107 provisions of section 536.024, RSMo.

108           8. Notwithstanding the provisions of any other law to the contrary, owners  
109 of motor vehicles other than apportioned motor vehicles or commercial motor  
110 vehicles licensed in excess of eighteen thousand pounds gross weight may apply  
111 for special personalized license plates. Vehicles licensed for eighteen thousand  
112 pounds that display special personalized license plates shall be subject to the  
113 provisions of subsections 1 and 2 of section 301.030.

114           9. No later than January 1, 2009, the director of revenue shall commence  
115 the reissuance of new license plates of such design as directed by the director  
116 consistent with the terms, conditions, and provisions of this section and this  
117 chapter. Except as otherwise provided in this section, in addition to all other fees  
118 required by law, applicants for registration of vehicles with license plates that  
119 expire during the period of reissuance, applicants for registration of trailers or  
120 semitrailers with license plates that expire during the period of reissuance and  
121 applicants for registration of vehicles that are to be issued new license plates  
122 during the period of reissuance shall pay the cost of the plates required by this  
123 subsection. The additional cost prescribed in this subsection shall not be charged  
124 to persons receiving special license plates issued under section 301.073 or  
125 301.443. Historic motor vehicle license plates registered pursuant to section  
126 301.131 and specialized license plates are exempt from the provisions of this  
127 subsection. **Except for new, replacement, and transfer applications,**  
128 **permanent nonexpiring license plates issued to commercial motor**  
129 **vehicles and trailers registered under section 301.041 are exempt from**  
130 **the provisions of this subsection.**

          302.010. Except where otherwise provided, when used in this chapter, the  
2 following words and phrases mean:

- 3           (1) "Circuit court", each circuit court in the state;
- 4           (2) "Commercial motor vehicle", a motor vehicle designed or regularly used  
5 for carrying freight and merchandise, or more than fifteen passengers;
- 6           (3) "Conviction", any final conviction; also a forfeiture of bail or collateral  
7 deposited to secure a defendant's appearance in court, which forfeiture has not  
8 been vacated, shall be equivalent to a conviction, except that when any conviction  
9 as a result of which points are assessed pursuant to section 302.302 is appealed,  
10 the term "conviction" means the original judgment of conviction for the purpose  
11 of determining the assessment of points, and the date of final judgment affirming  
12 the conviction shall be the date determining the beginning of any license  
13 suspension or revocation pursuant to section 302.304;
- 14           (4) "Director", the director of revenue acting directly or through the  
15 director's authorized officers and agents;
- 16           (5) "Farm tractor", every motor vehicle designed and used primarily as a  
17 farm implement for drawing plows, mowing machines and other implements of  
18 husbandry;
- 19           (6) "Highway", any public thoroughfare for vehicles, including state roads,  
20 county roads and public streets, avenues, boulevards, parkways, or alleys in any  
21 municipality;



22           (7) "Incompetent to drive a motor vehicle", a person who has become  
23 physically incapable of meeting the prescribed requirements of an examination  
24 for an operator's license, or who has been adjudged by a probate division of the  
25 circuit court in a capacity hearing of being incapacitated;

26           (8) "License", a license issued by a state to a person which authorizes a  
27 person to operate a motor vehicle;

28           (9) "Motor vehicle", any self-propelled vehicle not operated exclusively  
29 upon tracks except motorized bicycles, as defined in section 307.180, RSMo;

30           (10) "Motorcycle", a motor vehicle operated on two wheels; however, this  
31 definition shall not include motorized bicycles as defined in section 301.010,  
32 RSMo;

33           (11) "Motortricycle", a motor vehicle operated on three wheels, including  
34 a motorcycle operated with any conveyance, temporary or otherwise, requiring the  
35 use of a third wheel;

36           (12) "Moving violation", that character of traffic violation where at the  
37 time of violation the motor vehicle involved is in motion, except that the term  
38 does not include the driving of a motor vehicle without a valid motor vehicle  
39 registration license, or violations of sections 304.170 to 304.240, RSMo, inclusive,  
40 relating to sizes and weights of vehicles;

41           (13) "Municipal court", every division of the circuit court having original  
42 jurisdiction to try persons for violations of city ordinances;

43           (14) "Nonresident", every person who is not a resident of this state;

44           (15) "Operator", every person who is in actual physical control of a motor  
45 vehicle upon a highway;

46           (16) "Owner", a person who holds the legal title of a vehicle or in the event  
47 a vehicle is the subject of an agreement for the conditional sale or lease thereof  
48 with the right of purchase upon performance of the conditions stated in the  
49 agreement and with an immediate right of possession vested in the conditional  
50 vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession,  
51 then such conditional vendee or lessee or mortgagor shall be deemed the owner  
52 for the purpose of sections 302.010 to 302.540;

53           (17) "Record" includes, but is not limited to, papers, documents, facsimile  
54 information, microphotographic process, electronically generated or electronically  
55 recorded information, digitized images, deposited or filed with the department of  
56 revenue;

57           (18) "Residence address", "residence", or "resident address" shall be the  
58 location at which a person has been physically present, and that the person  
59 regards as home. A residence address is a person's true, fixed, principal, and

60 permanent home, to which a person intends to return and remain, even though  
61 currently residing elsewhere;

62 (19) "Restricted driving privilege", a driving privilege issued by the  
63 director of revenue following a suspension of driving privileges for the limited  
64 purpose of driving in connection with the driver's business, occupation,  
65 employment, formal program of secondary, postsecondary or higher education, or  
66 for an alcohol education or treatment program **or certified ignition interlock**  
67 **provider**;

68 (20) "School bus", when used in sections 302.010 to 302.540, means any  
69 motor vehicle, either publicly or privately owned, used to transport students to  
70 and from school, or to transport pupils properly chaperoned to and from any place  
71 within the state for educational purposes. The term "school bus" shall not include  
72 a bus operated by a public utility, municipal corporation or common carrier  
73 authorized to conduct local or interstate transportation of passengers when such  
74 bus is not traveling a specific school bus route but is:

75 (a) On a regularly scheduled route for the transportation of fare-paying  
76 passengers; or

77 (b) Furnishing charter service for the transportation of persons enrolled  
78 as students on field trips or other special trips or in connection with other special  
79 events;

80 (21) "School bus operator", an operator who operates a school bus as  
81 defined in subdivision (20) of this section in the transportation of any  
82 schoolchildren and who receives compensation for such service. The term "school  
83 bus operator" shall not include any person who transports schoolchildren as an  
84 incident to employment with a school or school district, such as a teacher, coach,  
85 administrator, secretary, school nurse, or janitor unless such person is under  
86 contract with or employed by a school or school district as a school bus operator;

87 (22) "Signature", any method determined by the director of revenue for the  
88 signing, subscribing or verifying of a record, report, application, driver's license,  
89 or other related document that shall have the same validity and consequences as  
90 the actual signing by the person providing the record, report, application, driver's  
91 license or related document;

92 (23) "Substance abuse traffic offender program", a program certified by the  
93 division of alcohol and drug abuse of the department of mental health to provide  
94 education or rehabilitation services pursuant to a professional assessment  
95 screening to identify the individual needs of the person who has been referred to  
96 the program as the result of an alcohol- or drug-related traffic offense. Successful  
97 completion of such a program includes participation in any education or

98 rehabilitation program required to meet the needs identified in the assessment  
99 screening. The assignment recommendations based upon such assessment shall  
100 be subject to judicial review as provided in subsection [13] 14 of section 302.304  
101 and subsections 1 and 5 of section 302.540;

102 (24) "Vehicle", any mechanical device on wheels, designed primarily for  
103 use, or used on highways, except motorized bicycles, vehicles propelled or drawn  
104 by horses or human power, or vehicles used exclusively on fixed rails or tracks,  
105 or cotton trailers or motorized wheelchairs operated by handicapped persons.

302.060. 1. The director shall not issue any license and shall immediately  
2 deny any driving privilege:

3 (1) To any person who is under the age of eighteen years, if such person  
4 operates a motor vehicle in the transportation of persons or property as classified  
5 in section 302.015;

6 (2) To any person who is under the age of sixteen years, except as  
7 hereinafter provided;

8 (3) To any person whose license has been suspended, during such  
9 suspension, or to any person whose license has been revoked, until the expiration  
10 of one year after such license was revoked;

11 (4) To any person who is an habitual drunkard or is addicted to the use  
12 of narcotic drugs;

13 (5) To any person who has previously been adjudged to be incapacitated  
14 and who at the time of application has not been restored to partial capacity;

15 (6) To any person who, when required by this law to take an examination,  
16 has failed to pass such examination;

17 (7) To any person who has an unsatisfied judgment against such person,  
18 as defined in chapter 303, RSMo, until such judgment has been satisfied or the  
19 financial responsibility of such person, as defined in section 303.120, RSMo, has  
20 been established;

21 (8) To any person whose application shows that the person has been  
22 convicted within one year prior to such application of violating the laws of this  
23 state relating to failure to stop after an accident and to disclose the person's  
24 identity or driving a motor vehicle without the owner's consent;

25 (9) To any person who has been convicted more than twice of violating  
26 state law, or a county or municipal ordinance where the defendant was  
27 represented by or waived the right to an attorney in writing, relating to driving  
28 while intoxicated; except that, after the expiration of ten years from the date of  
29 conviction of the last offense of violating such law or ordinance relating to driving  
30 while intoxicated, a person who was so convicted may petition the circuit court

31 of the county in which such last conviction was rendered and the court shall  
32 review the person's habits and conduct since such conviction. If the court finds  
33 that the petitioner has not been convicted of any offense related to alcohol,  
34 controlled substances or drugs during the preceding ten years and that the  
35 petitioner's habits and conduct show such petitioner to no longer pose a threat to  
36 the public safety of this state, the court may order the director to issue a license  
37 to the petitioner if the petitioner is otherwise qualified pursuant to the provisions  
38 of sections 302.010 to 302.540. No person may obtain a license pursuant to the  
39 provisions of this subdivision through court action more than one time;

40 (10) To any person who has been convicted twice within a five-year period  
41 of violating state law, or a county or municipal ordinance where the defendant  
42 was represented by or waived the right to an attorney in writing, of driving while  
43 intoxicated, or who has been convicted of the crime of involuntary manslaughter  
44 while operating a motor vehicle in an intoxicated condition. The director shall  
45 not issue a license to such person for five years from the date such person was  
46 convicted for involuntary manslaughter while operating a motor vehicle in an  
47 intoxicated condition or for driving while intoxicated for the second time. Any  
48 person who has been denied a license for two convictions of driving while  
49 intoxicated prior to July 27, 1989, shall have the person's license issued, upon  
50 application, unless the two convictions occurred within a five-year period, in  
51 which case, no license shall be issued to the person for five years from the date  
52 of the second conviction;

53 (11) To any person who is otherwise disqualified pursuant to the  
54 provisions of sections 302.010 to 302.780, chapter 303, RSMo, or section 544.046,  
55 RSMo;

56 (12) To any person who is under the age of eighteen years, if such person's  
57 parents or legal guardians file a certified document with the department of  
58 revenue stating that the director shall not issue such person a driver's  
59 license. Each document filed by the person's parents or legal guardians shall be  
60 made upon a form furnished by the director and shall include identifying  
61 information of the person for whom the parents or legal guardians are denying  
62 the driver's license. The document shall also contain identifying information of  
63 the person's parents or legal guardians. The document shall be certified by the  
64 parents or legal guardians to be true and correct. This provision shall not apply  
65 to any person who is legally emancipated. The parents or legal guardians may  
66 later file an additional document with the department of revenue which  
67 reinstates the person's ability to receive a driver's license.

68 **2. Any person whose license is reinstated under the provisions**

69 of subdivisions (9) and (10) of subsection 1 of this section shall be  
70 required to file proof with the director of revenue that any motor  
71 vehicle operated by the person is equipped with a functioning, certified  
72 ignition interlock device as a required condition of reinstatement. The  
73 ignition interlock device shall further be required to be maintained on  
74 all motor vehicles operated by the person for a period of not less than  
75 six months immediately following the date of reinstatement. If the  
76 person fails to maintain such proof with the director, the license shall  
77 be suspended for the remainder of the six-month period or until proof  
78 as required by this section is filed with the director. Upon the  
79 completion of the six-month period, the license shall be shown as  
80 reinstated, if the person is otherwise eligible.

302.177. 1. To all applicants for a license or renewal to transport persons  
2 or property classified in section 302.015 who are at least twenty-one years of age  
3 and under the age of seventy, and who submit a satisfactory application and meet  
4 the requirements of sections 302.010 to 302.605, the director shall issue or renew  
5 such license; except that no license shall be issued if an applicant's license is  
6 currently suspended, canceled, revoked, disqualified, or deposited in lieu of  
7 bail. Such license shall expire on the applicant's birthday in the sixth year of  
8 issuance, unless the license must be issued for a shorter period due to other  
9 requirements of law or for transition or staggering of work as determined by the  
10 director. The license must be renewed on or before the date of expiration, which  
11 date shall be shown on the license.

12 2. To all applicants for a license or renewal to transport persons or  
13 property classified in section 302.015 who are less than twenty-one years of age  
14 or greater than sixty-nine years of age, and who submit a satisfactory application  
15 and meet the requirements of sections 302.010 to 302.605, the director shall issue  
16 or renew such license; except that no license shall be issued if an applicant's  
17 license is currently suspended, canceled, revoked, disqualified, or deposited in  
18 lieu of bail. Such license shall expire on the applicant's birthday in the third year  
19 of issuance, unless the license must be issued for a shorter period due to other  
20 requirements of law or for transition or staggering of work as determined by the  
21 director. The license must be renewed on or before the date of expiration, which  
22 date shall be shown on the license. A license issued under this section to an  
23 applicant who is over the age of sixty-nine and contains a school bus endorsement  
24 shall not be issued for a period that exceeds one year.

25 3. To all other applicants for a license or renewal of a license who are at  
26 least twenty-one years of age and under the age of seventy, and who submit a

27 satisfactory application and meet the requirements of sections 302.010 to 302.605,  
28 the director shall issue or renew such license; except that no license shall be  
29 issued if an applicant's license is currently suspended, canceled, revoked,  
30 disqualified, or deposited in lieu of bail. Such license shall expire on the  
31 applicant's birthday in the sixth year of issuance, unless the license must be  
32 issued for a shorter period due to other requirements of law or for transition or  
33 staggering of work as determined by the director. The license must be renewed  
34 on or before the date of expiration, which date shall be shown on the license.

35 4. To all other applicants for a license or renewal of a license who are less  
36 than twenty-one years of age or greater than sixty-nine years of age, and who  
37 submit a satisfactory application and meet the requirements of sections 302.010  
38 to 302.605, the director shall issue or renew such license; except that no license  
39 shall be issued if an applicant's license is currently suspended, canceled, revoked,  
40 disqualified, or deposited in lieu of bail. Such license shall expire on the  
41 applicant's birthday in the third year of issuance, unless the license must be  
42 issued for a shorter period due to other requirements of law or for transition or  
43 staggering of work as determined by the director. The license must be renewed  
44 on or before the date of expiration, which date shall be shown on the license.

45 5. The fee for a license issued for a period which exceeds three years  
46 under subsection 1 of this section shall be thirty dollars.

47 6. The fee for a license issued for a period of three years or less under  
48 subsection 2 of this section shall be fifteen dollars, except that the fee for a  
49 license issued for one year or less which contains a school bus endorsement shall  
50 be five dollars, **except renewal fees shall be waived for applicants seventy**  
51 **years of age or older seeking school bus endorsements.**

52 7. The fee for a license issued for a period which exceeds three years  
53 under subsection 3 of this section shall be fifteen dollars.

54 8. The fee for a license issued for a period of three years or less under  
55 subsection 4 of this section shall be seven dollars and fifty cents.

56 9. Beginning July 1, 2005, the director shall not issue a driver's license  
57 for a period that exceeds an applicant's lawful presence in the United States. The  
58 director may establish procedures to verify the lawful presence of the applicant  
59 and establish the duration of any driver's license issued under this section.

60 10. The director of revenue may adopt any rules and regulations necessary  
61 to carry out the provisions of this section. No rule or portion of a rule  
62 promulgated pursuant to the authority of this section shall become effective  
63 unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

302.304. 1. The director shall notify by ordinary mail any operator of the

2 point value charged against the operator's record when the record shows four or  
3 more points have been accumulated in a twelve-month period.

4       2. In an action to suspend or revoke a license or driving privilege under  
5 this section points shall be accumulated on the date of conviction. No case file  
6 of any conviction for a driving violation for which points may be assessed  
7 pursuant to section 302.302 may be closed until such time as a copy of the record  
8 of such conviction is forwarded to the department of revenue.

9       3. The director shall suspend the license and driving privileges of any  
10 person whose driving record shows the driver has accumulated eight points in  
11 eighteen months.

12       4. The license and driving privilege of any person whose license and  
13 driving privilege have been suspended under the provisions of sections 302.010  
14 to 302.540 except those persons whose license and driving privilege have been  
15 suspended under the provisions of subdivision (8) of subsection 1 of section  
16 302.302 or has accumulated sufficient points together with a conviction under  
17 subdivision (10) of subsection 1 of section 302.302 and who has filed proof of  
18 financial responsibility with the department of revenue, in accordance with  
19 chapter 303, RSMo, and is otherwise eligible, shall be reinstated as follows:

20       (1) In the case of an initial suspension, thirty days after the effective date  
21 of the suspension;

22       (2) In the case of a second suspension, sixty days after the effective date  
23 of the suspension;

24       (3) In the case of the third and subsequent suspensions, ninety days after  
25 the effective date of the suspension.

26 Unless proof of financial responsibility is filed with the department of revenue,  
27 a suspension shall continue in effect for two years from its effective date.

28       5. The period of suspension of the driver's license and driving privilege of  
29 any person under the provisions of subdivision (8) of subsection 1 of section  
30 302.302 or who has accumulated sufficient points together with a conviction  
31 under subdivision (10) of subsection 1 of section 302.302 shall be thirty days,  
32 followed by a sixty-day period of restricted driving privilege as defined in section  
33 302.010. Upon completion of such period of restricted driving privilege, upon  
34 compliance with other requirements of law and upon filing of proof of financial  
35 responsibility with the department of revenue, in accordance with chapter 303,  
36 RSMo, the license and driving privilege shall be reinstated.

37       6. If the person fails to maintain proof of financial responsibility in  
38 accordance with chapter 303, RSMo, the person's driving privilege and license  
39 shall be resuspended.

40           7. The director shall revoke the license and driving privilege of any person  
41 when the person's driving record shows such person has accumulated twelve  
42 points in twelve months or eighteen points in twenty-four months or twenty-four  
43 points in thirty-six months. The revocation period of any person whose license  
44 and driving privilege have been revoked under the provisions of sections 302.010  
45 to 302.540 and who has filed proof of financial responsibility with the department  
46 of revenue in accordance with chapter 303, RSMo, and is otherwise eligible, shall  
47 be terminated by a notice from the director of revenue after one year from the  
48 effective date of the revocation. Unless proof of financial responsibility is filed  
49 with the department of revenue, except as provided in subsection 2 of section  
50 302.541, the revocation shall remain in effect for a period of two years from its  
51 effective date. If the person fails to maintain proof of financial responsibility in  
52 accordance with chapter 303, RSMo, the person's license and driving privilege  
53 shall be rerevoked. Any person whose license and driving privilege have been  
54 revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt  
55 of the notice of termination of the revocation from the director, pass the complete  
56 driver examination and apply for a new license before again operating a motor  
57 vehicle upon the highways of this state.

58           8. If, prior to conviction for an offense that would require suspension or  
59 revocation of a person's license under the provisions of this section, the person's  
60 total points accumulated are reduced, pursuant to the provisions of section  
61 302.306, below the number of points required for suspension or revocation  
62 pursuant to the provisions of this section, then the person's license shall not be  
63 suspended or revoked until the necessary points are again obtained and  
64 accumulated.

65           9. If any person shall neglect or refuse to surrender the person's license,  
66 as provided herein, the director shall direct the state highway patrol or any peace  
67 or police officer to secure possession thereof and return it to the director.

68           10. Upon the issuance of a reinstatement or termination notice after a  
69 suspension or revocation of any person's license and driving privilege under the  
70 provisions of sections 302.010 to 302.540, the accumulated point value shall be  
71 reduced to four points, except that the points of any person serving as a member  
72 of the armed forces of the United States outside the limits of the United States  
73 during a period of suspension or revocation shall be reduced to zero upon the date  
74 of the reinstatement or termination of notice. It shall be the responsibility of  
75 such member of the armed forces to submit copies of official orders to the director  
76 of revenue to substantiate such overseas service. Any other provision of sections  
77 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four



78 points remaining on the record upon reinstatement or termination shall be the  
79 date of the reinstatement or termination notice.

80 11. No credit toward reduction of points shall be given during periods of  
81 suspension or revocation or any period of driving under a limited driving privilege  
82 granted by a court or the director of revenue.

83 12. Any person or nonresident whose license or privilege to operate a  
84 motor vehicle in this state has been suspended or revoked under this or any other  
85 law shall, before having the license or privilege to operate a motor vehicle  
86 reinstated, pay to the director a reinstatement fee of twenty dollars which shall  
87 be in addition to all other fees provided by law.

88 13. Notwithstanding any other provision of law to the contrary, if after  
89 two years from the effective date of any suspension or revocation issued under  
90 this chapter, the person or nonresident has not paid the reinstatement fee of  
91 twenty dollars, the director shall reinstate such license or privilege to operate a  
92 motor vehicle in this state.

93 14. No person who has had a license to operate a motor vehicle suspended  
94 or revoked as a result of an assessment of points for a violation under subdivision  
95 (8), (9) or (10) of subsection 1 of section 302.302 shall have that license reinstated  
96 until such person has participated in and successfully completed a substance  
97 abuse traffic offender program defined in section 302.010, or a program  
98 determined to be comparable by the department of mental health. Assignment  
99 recommendations, based upon the needs assessment as described in subdivision  
100 (22) of section 302.010, shall be delivered in writing to the person with written  
101 notice that the person is entitled to have such assignment recommendations  
102 reviewed by the court if the person objects to the recommendations. The person  
103 may file a motion in the associate division of the circuit court of the county in  
104 which such assignment was given, on a printed form provided by the state courts  
105 administrator, to have the court hear and determine such motion pursuant to the  
106 provisions of chapter 517, RSMo. The motion shall name the person or entity  
107 making the needs assessment as the respondent and a copy of the motion shall  
108 be served upon the respondent in any manner allowed by law. Upon hearing the  
109 motion, the court may modify or waive any assignment recommendation that the  
110 court determines to be unwarranted based upon a review of the needs assessment,  
111 the person's driving record, the circumstances surrounding the offense, and the  
112 likelihood of the person committing a like offense in the future, except that the  
113 court may modify but may not waive the assignment to an education or  
114 rehabilitation program of a person determined to be a prior or persistent offender  
115 as defined in section 577.023, RSMo, or of a person determined to have operated

116 a motor vehicle with fifteen-hundredths of one percent or more by weight in such  
117 person's blood. Compliance with the court determination of the motion shall  
118 satisfy the provisions of this section for the purpose of reinstating such person's  
119 license to operate a motor vehicle. The respondent's personal appearance at any  
120 hearing conducted pursuant to this subsection shall not be necessary unless  
121 directed by the court.

122 15. The fees for the program authorized in subsection 14 of this section,  
123 or a portion thereof to be determined by the department of mental health, shall  
124 be paid by the person enrolled in the program. Any person who is enrolled in the  
125 program shall pay, in addition to any fee charged for the program, a supplemental  
126 fee in an amount to be determined by the department of mental health for the  
127 purposes of funding the substance abuse traffic offender program defined in  
128 section 302.010 and section 577.001, RSMo, or a program determined to be  
129 comparable by the department of mental health. The administrator of the  
130 program shall remit to the division of alcohol and drug abuse of the department  
131 of mental health on or before the fifteenth day of each month the supplemental  
132 fee for all persons enrolled in the program, less two percent for administrative  
133 costs. Interest shall be charged on any unpaid balance of the supplemental fees  
134 due the division of alcohol and drug abuse pursuant to this section and shall  
135 accrue at a rate not to exceed the annual rate established pursuant to the  
136 provisions of section 32.065, RSMo, plus three percentage points. The  
137 supplemental fees and any interest received by the department of mental health  
138 pursuant to this section shall be deposited in the mental health earnings fund  
139 which is created in section 630.053, RSMo.

140 16. Any administrator who fails to remit to the division of alcohol and  
141 drug abuse of the department of mental health the supplemental fees and interest  
142 for all persons enrolled in the program pursuant to this section shall be subject  
143 to a penalty equal to the amount of interest accrued on the supplemental fees due  
144 the division pursuant to this section. If the supplemental fees, interest, and  
145 penalties are not remitted to the division of alcohol and drug abuse of the  
146 department of mental health within six months of the due date, the attorney  
147 general of the state of Missouri shall initiate appropriate action of the collection  
148 of said fees and interest accrued. The court shall assess attorney fees and court  
149 costs against any delinquent program.

150 17. **Any person who has had a license to operate a motor vehicle**  
151 **suspended or revoked as a result of an assessment of points for a**  
152 **violation under subdivision (9) of subsection 1 of section 302.302 shall**  
153 **be required to file proof with the director of revenue that any motor**

154 vehicle operated by the person is equipped with a functioning, certified  
155 ignition interlock device as a required condition of reinstatement of  
156 the license. The ignition interlock device shall further be required to  
157 be maintained on all motor vehicles operated by the person for a period  
158 of not less than six months immediately following the date of  
159 reinstatement. If the person fails to maintain such proof with the  
160 director, the license shall be resuspended or revoked and the person  
161 shall be guilty of a class A misdemeanor.

302.309. 1. Whenever any license is suspended pursuant to sections  
2 302.302 to 302.309, the director of revenue shall return the license to the operator  
3 immediately upon the termination of the period of suspension and upon  
4 compliance with the requirements of chapter 303, RSMo.

5 2. Any operator whose license is revoked pursuant to these sections, upon  
6 the termination of the period of revocation, shall apply for a new license in the  
7 manner prescribed by law.

8 3. (1) All circuit courts or the director of revenue shall have jurisdiction  
9 to hear applications and make eligibility determinations granting limited driving  
10 privileges. Any application may be made in writing to the director of revenue and  
11 the person's reasons for requesting the limited driving privilege shall be made  
12 therein.

13 (2) When any court of record having jurisdiction or the director of revenue  
14 finds that an operator is required to operate a motor vehicle in connection with  
15 any of the following:

- 16 (a) A business, occupation, or employment;
- 17 (b) Seeking medical treatment for such operator;
- 18 (c) Attending school or other institution of higher education;
- 19 (d) Attending alcohol or drug treatment programs; [or]
- 20 (e) **Seeking the required services of a certified ignition interlock**  
21 **device provider; or**

22 (f) Any other circumstance the court or director finds would create an  
23 undue hardship on the operator;  
24 the court or director may grant such limited driving privilege as the  
25 circumstances of the case justify if the court or director finds undue hardship  
26 would result to the individual, and while so operating a motor vehicle within the  
27 restrictions and limitations of the limited driving privilege the driver shall not  
28 be guilty of operating a motor vehicle without a valid license.

29 (3) An operator may make application to the proper court in the county  
30 in which such operator resides or in the county in which is located the operator's

31 principal place of business or employment. Any application for a limited driving  
32 privilege made to a circuit court shall name the director as a party defendant and  
33 shall be served upon the director prior to the grant of any limited privilege, and  
34 shall be accompanied by a copy of the applicant's driving record as certified by  
35 the director. Any applicant for a limited driving privilege shall have on file with  
36 the department of revenue proof of financial responsibility as required by chapter  
37 303, RSMo. Any application by a person who transports persons or property as  
38 classified in section 302.015 may be accompanied by proof of financial  
39 responsibility as required by chapter 303, RSMo, but if proof of financial  
40 responsibility does not accompany the application, or if the applicant does not  
41 have on file with the department of revenue proof of financial responsibility, the  
42 court or the director has discretion to grant the limited driving privilege to the  
43 person solely for the purpose of operating a vehicle whose owner has complied  
44 with chapter 303, RSMo, for that vehicle, and the limited driving privilege must  
45 state such restriction. When operating such vehicle under such restriction the  
46 person shall carry proof that the owner has complied with chapter 303, RSMo, for  
47 that vehicle.

48       (4) **No limited driving privilege shall be issued to any person**  
49 **otherwise eligible under the provisions of paragraph (a) of subdivision**  
50 **(6) of subsection 3 of this section on a license revocation resulting from**  
51 **a conviction under subdivision (9) of subsection 1 of section 302.302; or**  
52 **a license denial under paragraph (a) or (b) of subdivision (8) of**  
53 **subsection 3 of this section; until the applicant has filed proof with the**  
54 **department of revenue that any motor vehicle operated by the person**  
55 **is equipped with a functioning, certified ignition interlock device as a**  
56 **required condition of limited driving privilege.**

57       (5) The court order or the director's grant of the limited **or restricted**  
58 driving privilege shall indicate the termination date of the privilege, which shall  
59 be not later than the end of the period of suspension or revocation. A copy of any  
60 court order shall be sent by the clerk of the court to the director, and a copy shall  
61 be given to the driver which shall be carried by the driver whenever such driver  
62 operates a motor vehicle. The director of revenue upon granting a limited driving  
63 privilege shall give a copy of the limited driving privilege to the applicant. The  
64 applicant shall carry a copy of the limited driving privilege while operating a  
65 motor vehicle. A conviction which results in the assessment of points pursuant  
66 to section 302.302, other than a violation of a municipal stop sign ordinance  
67 where no accident is involved, against a driver who is operating a vehicle  
68 pursuant to a limited driving privilege terminates the privilege, as of the date the

69 points are assessed to the person's driving record. If the date of arrest is prior  
70 to the issuance of the limited driving privilege, the privilege shall not be  
71 terminated. **Failure of the driver to maintain proof of financial**  
72 **responsibility, as required by chapter 303, or to maintain proof of**  
73 **installation of a functioning, certified ignition interlock device, as**  
74 **applicable, shall terminate the privilege.** The director shall notify by  
75 ordinary mail the driver whose privilege is so terminated.

76 [(5)] (6) Except as provided in subdivision [(7)] (8) of this subsection, no  
77 person is eligible to receive a limited driving privilege who at the time of  
78 application for a limited driving privilege has previously been granted such a  
79 privilege within the immediately preceding five years, or whose license has been  
80 suspended or revoked for the following reasons:

81 (a) A conviction of violating the provisions of section 577.010 or 577.012,  
82 RSMo, or any similar provision of any federal or state law, or a municipal or  
83 county law where the judge in such case was an attorney and the defendant was  
84 represented by or waived the right to an attorney in writing, until the person has  
85 completed the first thirty days of a suspension or revocation imposed pursuant  
86 to this chapter;

87 (b) A conviction of any felony in the commission of which a motor vehicle  
88 was used;

89 (c) Ineligibility for a license because of the provisions of subdivision (1),  
90 (2), (4), (5), (6), (7), (8), (9), (10) or (11) of section 302.060;

91 (d) Because of operating a motor vehicle under the influence of narcotic  
92 drugs, a controlled substance as defined in chapter 195, RSMo, or having left the  
93 scene of an accident as provided in section 577.060, RSMo;

94 (e) Due to a revocation for the first time for failure to submit to a chemical  
95 test pursuant to section 577.041, RSMo, or due to a refusal to submit to a  
96 chemical test in any other state, if such person has not completed the first ninety  
97 days of such revocation;

98 (f) Violation more than once of the provisions of section 577.041, RSMo,  
99 or a similar implied consent law of any other state; or

100 (g) Due to a suspension pursuant to subsection 2 of section 302.525 and  
101 who has not completed the first thirty days of such suspension, provided the  
102 person is not otherwise ineligible for a limited driving privilege; or due to a  
103 revocation pursuant to subsection 2 of section 302.525 if such person has not  
104 completed such revocation.

105 [(6)] (7) No person who possesses a commercial driver's license shall  
106 receive a limited driving privilege issued for the purpose of operating a

107 commercial motor vehicle if such person's driving privilege is suspended, revoked,  
108 canceled, denied, or disqualified. Nothing in this section shall prohibit the  
109 issuance of a limited driving privilege for the purpose of operating a  
110 noncommercial motor vehicle provided that pursuant to the provisions of this  
111 section, the applicant is not otherwise ineligible for a limited driving privilege.

112       [(7)] (8) (a) Provided that pursuant to the provisions of this section, the  
113 applicant is not otherwise ineligible for a limited driving privilege, a circuit court  
114 or the director may, in the manner prescribed in this subsection, allow a person  
115 who has had such person's license to operate a motor vehicle revoked where that  
116 person cannot obtain a new license for a period of ten years, as prescribed in  
117 subdivision (9) of section 302.060, to apply for a limited driving privilege  
118 pursuant to this subsection if such person has served at least three years of such  
119 disqualification or revocation. Such person shall present evidence satisfactory to  
120 the court or the director that such person has not been convicted of any offense  
121 related to alcohol, controlled substances or drugs during the preceding three  
122 years and that the person's habits and conduct show that the person no longer  
123 poses a threat to the public safety of this state.

124       (b) Provided that pursuant to the provisions of this section, the applicant  
125 is not otherwise ineligible for a limited driving privilege or convicted of  
126 involuntary manslaughter while operating a motor vehicle in an intoxicated  
127 condition, a circuit court or the director may, in the manner prescribed in this  
128 subsection, allow a person who has had such person's license to operate a motor  
129 vehicle revoked where that person cannot obtain a new license for a period of five  
130 years because of two convictions of driving while intoxicated, as prescribed in  
131 subdivision (10) of section 302.060, to apply for a limited driving privilege  
132 pursuant to this subsection if such person has served at least two years of such  
133 disqualification or revocation. Such person shall present evidence satisfactory to  
134 the court or the director that such person has not been convicted of any offense  
135 related to alcohol, controlled substances or drugs during the preceding two years  
136 and that the person's habits and conduct show that the person no longer poses a  
137 threat to the public safety of this state. Any person who is denied a license  
138 permanently in this state because of an alcohol-related conviction subsequent to  
139 a restoration of such person's driving privileges pursuant to subdivision (9) of  
140 section 302.060 shall not be eligible for limited driving privilege pursuant to the  
141 provisions of this subdivision.

142       4. Any person who has received notice of denial of a request of limited  
143 driving privilege by the director of revenue may make a request for a review of  
144 the director's determination in the circuit court of the county in which the person

145 resides or the county in which is located the person's principal place of business  
146 or employment within thirty days of the date of mailing of the notice of  
147 denial. Such review shall be based upon the records of the department of revenue  
148 and other competent evidence and shall be limited to a review of whether the  
149 applicant was statutorily entitled to the limited driving privilege.

150         5. The director of revenue shall promulgate rules and regulations  
151 necessary to carry out the provisions of this section. Any rule or portion of a rule,  
152 as that term is defined in section 536.010, RSMo, that is created under the  
153 authority delegated in this section shall become effective only if it complies with  
154 and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,  
155 section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable  
156 and if any of the powers vested with the general assembly pursuant to chapter  
157 536, RSMo, to review, to delay the effective date or to disapprove and annul a  
158 rule are subsequently held unconstitutional, then the grant of rulemaking  
159 authority and any rule proposed or adopted after August 28, 2001, shall be  
160 invalid and void.

302.341. If a Missouri resident charged with a moving traffic violation of  
2 this state or any county or municipality of this state fails to dispose of the  
3 charges of which he is accused through authorized prepayment of fine and court  
4 costs and fails to appear on the return date or at any subsequent date to which  
5 the case has been continued, or without good cause fails to pay any fine or court  
6 costs assessed against him for any such violation within the period of time  
7 specified or in such installments as approved by the court or as otherwise  
8 provided by law, any court having jurisdiction over the charges shall within ten  
9 days of the failure to comply inform the defendant by ordinary mail at the last  
10 address shown on the court records that the court will order the director of  
11 revenue to suspend the defendant's driving privileges if the charges are not  
12 disposed of and fully paid within thirty days from the date of  
13 mailing. Thereafter, if the defendant fails to timely act to dispose of the charges  
14 and fully pay any applicable fines and court costs, the court shall notify the  
15 director of revenue of such failure and of the pending charges against the  
16 defendant. Upon receipt of this notification, the director shall suspend the  
17 license of the driver, effective immediately, and provide notice of the suspension  
18 to the driver at the last address for the driver shown on the records of the  
19 department of revenue. Such suspension shall remain in effect until the court  
20 with the subject pending charge requests setting aside the noncompliance  
21 suspension pending final disposition, or satisfactory evidence of disposition of  
22 pending charges and payment of fine and court costs, if applicable, is furnished

23 to the director by the individual. Upon proof of disposition of charges and  
24 payment of fine and court costs, if applicable, and payment of the reinstatement  
25 fee as set forth in section 302.304, the director shall [reinstate] **return** the  
26 license **and remove the suspension from the individual's driving**  
27 **record**. The filing of financial responsibility with the bureau of safety  
28 responsibility, department of revenue, shall not be required as a condition of  
29 reinstatement of a driver's license suspended solely under the provisions of this  
30 section. If any city, town or village receives more than forty-five percent of its  
31 total annual revenue from fines for traffic violations occurring on state highways,  
32 all revenues from such violations in excess of forty-five percent of the total annual  
33 revenue of the city, town or village shall be sent to the director of the department  
34 of revenue and shall be distributed annually to the schools of the county in the  
35 same manner that proceeds of all penalties, forfeitures and fines collected for any  
36 breach of the penal laws of the state are distributed. For the purpose of this  
37 section the words "state highways" shall mean any state or federal highway,  
38 including any such highway continuing through the boundaries of a city, town or  
39 village with a designated street name other than the state highway number.

302.525. 1. The license suspension or revocation shall become effective  
2 fifteen days after the subject person has received the notice of suspension or  
3 revocation as provided in section 302.520, or is deemed to have received the notice  
4 of suspension or revocation by mail as provided in section 302.515. If a request  
5 for a hearing is received by or postmarked to the department within that  
6 fifteen-day period, the effective date of the suspension or revocation shall be  
7 stayed until a final order is issued following the hearing; provided, that any delay  
8 in the hearing which is caused or requested by the subject person or counsel  
9 representing that person without good cause shown shall not result in a stay of  
10 the suspension or revocation during the period of delay.

11 2. The period of license suspension or revocation under this section shall  
12 be as follows:

13 (1) If the person's driving record shows no prior alcohol-related  
14 enforcement contacts during the immediately preceding five years, the period of  
15 suspension shall be thirty days after the effective date of suspension, followed by  
16 a sixty-day period of restricted driving privilege as defined in section 302.010 and  
17 issued by the director of revenue. The restricted driving privilege shall not be  
18 issued until he or she has filed proof of financial responsibility with the  
19 department of revenue, in accordance with chapter 303, RSMo, and is otherwise  
20 eligible. In no case shall restricted driving privileges be issued pursuant to this  
21 section or section 302.535 until the person has completed the first thirty days of



22 a suspension under this section;

23 (2) The period of revocation shall be one year if the person's driving record  
24 shows one or more prior alcohol-related enforcement contacts during the  
25 immediately preceding five years;

26 (3) **In no case shall restricted driving privileges be issued under**  
27 **this section to any person whose driving record shows one or more**  
28 **prior alcohol-related enforcement contacts until the person has**  
29 **completed the first thirty days of a suspension under this section and**  
30 **has filed proof with the department of revenue that any motor vehicle**  
31 **operated by the person is equipped with a functioning, certified**  
32 **ignition interlock device as a required condition of the restricted**  
33 **driving privilege. If the person fails to maintain such proof the**  
34 **restricted driving privilege shall be terminated.**

35 3. For purposes of this section, "alcohol-related enforcement contacts"  
36 shall include any suspension or revocation under sections 302.500 to 302.540, any  
37 suspension or revocation entered in this or any other state for a refusal to submit  
38 to chemical testing under an implied consent law, and any conviction in this or  
39 any other state for a violation which involves driving **while intoxicated,**  
40 **driving while under the influence of drugs or alcohol, or driving a**  
41 **vehicle while having an unlawful alcohol concentration.**

42 4. Where a license is suspended or revoked under this section and the  
43 person is also convicted on charges arising out of the same occurrence for a  
44 violation of section 577.010 or 577.012, RSMo, or for a violation of any county or  
45 municipal ordinance prohibiting driving while intoxicated or alcohol-related  
46 traffic offense, both the suspension or revocation under this section and any other  
47 suspension or revocation arising from such convictions shall be imposed, but the  
48 period of suspension or revocation under sections 302.500 to 302.540 shall be  
49 credited against any other suspension or revocation arising from such convictions,  
50 and the total period of suspension or revocation shall not exceed the longer of the  
51 two suspension or revocation periods.

52 5. **Any person who has had a license to operate a motor vehicle**  
53 **revoked under this section or suspended under this section with one or**  
54 **more prior alcohol-related enforcement contacts showing on their**  
55 **driver record shall be required to file proof with the director of**  
56 **revenue that any motor vehicle operated by that person is equipped**  
57 **with a functioning, certified ignition interlock device as a required**  
58 **condition of reinstatement. The ignition interlock device shall further**  
59 **be required to be maintained on all motor vehicles operated by the**

60 **person for a period of not less than six months immediately following**  
61 **the date of reinstatement. If the person fails to maintain such proof**  
62 **with the director, the license shall be resuspended or revoked, as**  
63 **applicable.**

302.720. 1. Except when operating under an instruction permit as  
2 described in this section, no person may drive a commercial motor vehicle unless  
3 the person has been issued a commercial driver's license with applicable  
4 endorsements valid for the type of vehicle being operated as specified in sections  
5 302.700 to 302.780. A commercial driver's instruction permit shall allow the  
6 holder of a valid license to operate a commercial motor vehicle when accompanied  
7 by the holder of a commercial driver's license valid for the vehicle being operated  
8 and who occupies a seat beside the individual, or reasonably near the individual  
9 in the case of buses, for the purpose of giving instruction in driving the  
10 commercial motor vehicle. A commercial driver's instruction permit shall be valid  
11 for the vehicle being operated for a period of not more than six months, and shall  
12 not be issued until the permit holder has met all other requirements of sections  
13 302.700 to 302.780, except for the driving test. A permit holder, unless otherwise  
14 disqualified, may be granted one six-month renewal within a one-year  
15 period. The fee for such permit or renewal shall be five dollars. In the  
16 alternative, a commercial driver's instruction permit shall be issued for a  
17 thirty-day period to allow the holder of a valid driver's license to operate a  
18 commercial motor vehicle if the applicant has completed all other requirements  
19 except the driving test. The permit may be renewed for one additional thirty-day  
20 period and the fee for the permit and for renewal shall be five dollars.

21 2. No person may be issued a commercial driver's license until he has  
22 passed written and driving tests for the operation of a commercial motor vehicle  
23 which complies with the minimum federal standards established by the Secretary  
24 and has satisfied all other requirements of the Commercial Motor Vehicle Safety  
25 Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements  
26 imposed by state law. Applicants for a hazardous materials endorsement must  
27 also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law  
28 107-56) as specified and required by regulations promulgated by the  
29 Secretary. Nothing contained in this subsection shall be construed as prohibiting  
30 the director from establishing alternate testing formats for those who are  
31 functionally illiterate; provided, however, that any such alternate test must  
32 comply with the minimum requirements of the Commercial Motor Vehicle Safety  
33 Act of 1986 (Title XII of Pub. Law 99-570) as established by the Secretary.

34 (1) The written and driving tests shall be held at such times and in such

35 places as the superintendent may designate. A twenty-five dollar examination  
36 fee shall be paid by the applicant upon completion of any written or driving test,  
37 **except the examination fee shall be waived for applicants seventy years**  
38 **of age or older renewing a license with a school bus endorsement.** The  
39 director shall delegate the power to conduct the examinations required under  
40 sections 302.700 to 302.780 to any member of the highway patrol or any person  
41 employed by the highway patrol qualified to give driving examinations.

42 (2) The director shall adopt and promulgate rules and regulations  
43 governing the certification of third-party testers by the department of  
44 revenue. Such rules and regulations shall substantially comply with the  
45 requirements of 49 CFR Part 383, Section 383.75. A certification to conduct  
46 third-party testing shall be valid for one year, and the department shall charge  
47 a fee of one hundred dollars to issue or renew the certification of any third-party  
48 tester.

49 (3) Beginning August 28, 2006, the director shall only issue or renew  
50 third-party tester certification to junior colleges or community colleges  
51 established under chapter 178, RSMo, or to private companies who own, lease, or  
52 maintain their own fleet and administer in-house testing to their employees, or  
53 to school districts and their agents that administer in-house testing to the school  
54 district's or agent's employees. Any third-party tester who violates any of the  
55 rules and regulations adopted and promulgated pursuant to this section shall be  
56 subject to having his certification revoked by the department. The department  
57 shall provide written notice and an opportunity for the third-party tester to be  
58 heard in substantially the same manner as provided in chapter 536, RSMo. If  
59 any applicant submits evidence that he has successfully completed a test  
60 administered by a third-party tester, the actual driving test for a commercial  
61 driver's license may then be waived.

62 (4) Every applicant for renewal of a commercial driver's license shall  
63 provide such certifications and information as required by the secretary and if  
64 such person transports a hazardous material must also meet the requirements of  
65 the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and  
66 required by regulations promulgated by the Secretary. Such person shall be  
67 required to take the written test for such endorsement. A twenty-five dollar  
68 examination fee shall be paid upon completion of such tests.

69 (5) The director shall have the authority to waive the driving skills test  
70 for any qualified military applicant for a commercial driver's license who is  
71 currently licensed at the time of application for a commercial driver's  
72 license. The director shall impose conditions and limitations to restrict the

73 applicants from whom the department may accept alternative requirements for  
74 the skills test described in federal regulation 49 C.F.R. 383.77. An applicant  
75 must certify that, during the two-year period immediately preceding application  
76 for a commercial driver's license, all of the following apply:

77 (a) The applicant has not had more than one license;

78 (b) The applicant has not had any license suspended, revoked, or  
79 cancelled;

80 (c) The applicant has not had any convictions for any type of motor vehicle  
81 for the disqualifying offenses contained in this chapter or federal rule 49 C.F.R.  
82 383.51(b);

83 (d) The applicant has not had more than one conviction for any type of  
84 motor vehicle for serious traffic violations;

85 (e) The applicant has not had any conviction for a violation of state or  
86 local law relating to motor vehicle traffic control, but not including any parking  
87 violation, arising in connection with any traffic accident, and has no record of an  
88 accident in which he or she was at fault;

89 (f) The applicant is regularly employed in a job requiring operation of a  
90 commercial motor vehicle and has operated the vehicle for at least sixty days  
91 during the two years immediately preceding application for a commercial driver's  
92 license. The vehicle must be representative of the commercial motor vehicle the  
93 driver applicant operates or expects to operate;

94 (g) The applicant, if on active duty, must provide a notarized affidavit  
95 signed by a commanding officer as proof of driving experience as indicated in  
96 paragraph (f) of this subdivision;

97 (h) The applicant, if honorably discharged from military service, must  
98 provide a form-DD214 or other proof of military occupational specialty;

99 (i) The applicant must meet all federal and state qualifications to operate  
100 a commercial vehicle; and

101 (j) The applicant will be required to complete all applicable knowledge  
102 tests.

103 3. A commercial driver's license may not be issued to a person while the  
104 person is disqualified from driving a commercial motor vehicle, when a  
105 disqualification is pending in any state or while the person's driver's license is  
106 suspended, revoked, or canceled in any state; nor may a commercial driver's  
107 license be issued unless the person first surrenders in a manner prescribed by the  
108 director any commercial driver's license issued by another state, which license  
109 shall be returned to the issuing state for cancellation.

110 4. Beginning July 1, 2005, the director shall not issue an instruction

111 permit under this section unless the director verifies that the applicant is  
112 lawfully present in the United States before accepting the application. The  
113 director may, by rule or regulation, establish procedures to verify the lawful  
114 presence of the applicant under this section. No rule or portion of a rule  
115 promulgated pursuant to the authority of this section shall become effective  
116 unless it has been promulgated pursuant to chapter 536, RSMo.

117 **5. Notwithstanding the provisions of this section or any other**  
118 **law to the contrary, beginning August 28, 2008, the director of the**  
119 **department of revenue shall certify as a third-party tester any**  
120 **municipality that owns, leases, or maintains its own fleets that requires**  
121 **certain employees as a condition of employment to hold a valid**  
122 **commercial driver's license; and that administered in-house testing to**  
123 **such employees prior to August 28, 2006.**

302.735. 1. An application shall not be taken from a nonresident after  
2 September 30, 2005. The application for a commercial driver's license shall  
3 include, but not be limited to, the applicant's legal name, mailing and residence  
4 address, if different, a physical description of the person, including sex, height,  
5 weight and eye color, the person's Social Security number, date of birth and any  
6 other information deemed appropriate by the director. The application shall also  
7 require, beginning September 30, 2005, the applicant to provide the names of all  
8 states where the applicant has been previously licensed to drive any type of motor  
9 vehicle during the preceding ten years.

10 2. A commercial driver's license shall expire on the applicant's birthday  
11 in the sixth year after issuance, unless the license must be issued for a shorter  
12 period due to other requirements of law or for transition or staggering of work as  
13 determined by the director, and must be renewed on or before the date of  
14 expiration. When a person changes such person's name an application for a  
15 duplicate license shall be made to the director of revenue. When a person  
16 changes such person's mailing address or residence the applicant shall notify the  
17 director of revenue of said change, however, no application for a duplicate license  
18 is required. A commercial license issued pursuant to this section to an applicant  
19 less than twenty-one years of age and seventy years of age and older shall expire  
20 on the applicant's birthday in the third year after issuance, unless the license  
21 must be issued for a shorter period as determined by the director.

22 3. A commercial driver's license containing a hazardous materials  
23 endorsement issued to an applicant who is between the age of twenty-one and  
24 sixty-nine shall not be issued for a period exceeding five years from the approval  
25 date of the security threat assessment as determined by the Transportation

26 Security Administration.

27 4. The director shall issue an annual commercial driver's license  
28 containing a school bus endorsement to an applicant who is seventy years of age  
29 or older. The fee for such license shall be seven dollars and fifty cents; **except**  
30 **renewal fees shall be waived for applicants seventy years of age or**  
31 **older seeking school bus endorsements.**

32 5. A commercial driver's license containing a hazardous materials  
33 endorsement issued to an applicant who is seventy years of age or older shall not  
34 be issued for a period exceeding three years. The director shall not require such  
35 drivers to obtain a security threat assessment more frequently than such  
36 assessment is required by the Transportation Security Administration under the  
37 Uniting and Strengthening America by Providing Appropriate Tools Required to  
38 Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001.

39 6. The fee for a commercial driver's license or renewal commercial driver's  
40 license issued for a period greater than three years shall be forty dollars.

41 7. The fee for a commercial driver's license or renewal commercial driver's  
42 license issued for a period of three years or less shall be twenty dollars.

43 8. The fee for a duplicate commercial driver's license shall be twenty  
44 dollars.

45 9. In order for the director to properly transition driver's license  
46 requirements under the Motor Carrier Safety Improvement Act of 1999 and the  
47 Uniting and Strengthening America by Providing Appropriate Tools Required to  
48 Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, the director  
49 is authorized to stagger expiration dates and make adjustments for any fees,  
50 including driver examination fees that are incurred by the driver as a result of  
51 the initial issuance of a transitional license required to comply with such acts.

52 10. Within thirty days after moving to this state, the holder of a  
53 commercial driver's license shall apply for a commercial driver's license in this  
54 state. The applicant shall meet all other requirements of sections 302.700 to  
55 302.780, except that the director may waive the driving test for a commercial  
56 driver's license as required in section 302.720 if the applicant for a commercial  
57 driver's license has a valid commercial driver's license from a state which has  
58 requirements for issuance of such license comparable to those in this state.

59 11. Any person who falsifies any information in an application or test for  
60 a commercial driver's license shall not be licensed to operate a commercial motor  
61 vehicle, or the person's commercial driver's license shall be canceled, for a period  
62 of one year after the director discovers such falsification.

63 12. Beginning July 1, 2005, the director shall not issue a commercial

64 driver's license under this section unless the director verifies that the applicant  
65 is lawfully present in the United States before accepting the application. If  
66 lawful presence is granted for a temporary period, no commercial driver's license  
67 shall be issued. The director may, by rule or regulation, establish procedures to  
68 verify the lawful presence of the applicant and establish the duration of any  
69 commercial driver's license issued under this section. No rule or portion of a rule  
70 promulgated pursuant to the authority of this section shall become effective  
71 unless it has been promulgated pursuant to chapter 536, RSMo.

72 13. (1) Effective December 19, 2005, notwithstanding any provisions of  
73 subsections 1 and 5 of this section to the contrary, the director may issue a  
74 nonresident commercial driver's license to a resident of a foreign jurisdiction if  
75 the United States Secretary of Transportation has determined that the  
76 commercial motor vehicle testing and licensing standards in the foreign  
77 jurisdiction do not meet the testing standards established in 49 C.F.R. Part 383.

78 (2) Any applicant for a nonresident commercial driver's license must  
79 present evidence satisfactory to the director that the applicant currently has  
80 employment with an employer in this state. The nonresident applicant must  
81 meet the same testing, driver record requirements, conditions, and is subject to  
82 the same disqualification and conviction reporting requirements applicable to  
83 resident commercial drivers.

84 (3) The nonresident commercial driver's license will expire on the same  
85 date that the documents establishing lawful presence for employment expire. The  
86 word "nonresident" shall appear on the face of the nonresident commercial  
87 driver's license. Any applicant for a Missouri nonresident commercial driver's  
88 license must first surrender any nonresident commercial driver's license issued  
89 by another state.

90 (4) The nonresident commercial driver's license applicant must pay the  
91 same fees as required for the issuance of a resident commercial driver's license.

92 14. Foreign jurisdiction for purposes of issuing a nonresident commercial  
93 driver's license under this section shall not include any of the fifty states of the  
94 United States or Canada or Mexico.

304.015. 1. All vehicles not in motion shall be placed with their right side  
2 as near the right-hand side of the highway as practicable, except on streets of  
3 municipalities where vehicles are obliged to move in one direction only or parking  
4 of motor vehicles is regulated by ordinance.

5 2. Upon all public roads or highways of sufficient width a vehicle shall be  
6 driven upon the right half of the roadway, except as follows:

7 (1) When overtaking and passing another vehicle proceeding in the same

8 direction pursuant to the rules governing such movement;

9 (2) When placing a vehicle in position for and when such vehicle is  
10 lawfully making a left turn in compliance with the provisions of sections 304.014  
11 to [304.026] **304.025** or traffic regulations thereunder or of municipalities;

12 (3) When the right half of a roadway is closed to traffic while under  
13 construction or repair;

14 (4) Upon a roadway designated by local ordinance as a one-way street and  
15 marked or signed for one-way traffic.

16 3. It is unlawful to drive any vehicle upon any highway or road which has  
17 been divided into two or more roadways by means of a physical barrier or by  
18 means of a dividing section or delineated by curbs, lines or other markings on the  
19 roadway, except to the right of such barrier or dividing section, or to make any  
20 left turn or semicircular or U-turn on any such divided highway, except at an  
21 intersection or interchange or at any signed location designated by the state  
22 highways and transportation commission or the department of  
23 transportation. The provisions of this subsection shall not apply to emergency  
24 vehicles, law enforcement vehicles or to vehicles owned by the commission or the  
25 department.

26 4. The authorities in charge of any highway or the state highway patrol  
27 may erect signs temporarily designating lanes to be used by traffic moving in a  
28 particular direction, regardless of the center line of the highway, and all members  
29 of the Missouri highway patrol and other peace officers may direct traffic in  
30 conformance with such signs. When authorized signs have been erected  
31 designating off-center traffic lanes, no person shall disobey the instructions given  
32 by such signs.

33 5. Whenever any roadway has been divided into three or more clearly  
34 marked lanes for traffic, the following rules in addition to all others consistent  
35 herewith shall apply:

36 (1) A vehicle shall be driven as nearly as practicable entirely within a  
37 single lane and shall not be moved from such lane until the driver has first  
38 ascertained that such movement can be made with safety;

39 (2) Upon a roadway which is divided into three lanes a vehicle shall not  
40 be driven in the center lane, except when overtaking and passing another vehicle  
41 where the roadway ahead is clearly visible and such center lane is clear of traffic  
42 within a safe distance, or in preparation for a left turn or where such center lane  
43 is at the time allocated exclusively to traffic moving in the direction the vehicle  
44 is proceeding and is sign-posted to give notice of such allocation;

45 (3) Upon all highways any vehicle proceeding at less than the normal



46 speed of traffic thereon shall be driven in the right-hand lane for traffic or as  
47 close as practicable to the right-hand edge or curb, except as otherwise provided  
48 in sections 304.014 to [304.026] **304.025**;

49 (4) Official signs may be erected by the highways and transportation  
50 commission or the highway patrol may place temporary signs directing  
51 slow-moving traffic to use a designated lane or allocating specified lanes to traffic  
52 moving in the same direction and drivers of vehicles shall obey the directions of  
53 every such sign;

54 (5) Drivers of vehicles proceeding in opposite directions shall pass each  
55 other to the right, and except when a roadway has been divided into traffic lanes,  
56 each driver shall give to the other at least one-half of the main traveled portion  
57 of the roadway whenever possible.

58 6. All vehicles in motion upon a highway having two or more lanes of  
59 traffic proceeding in the same direction shall be driven in the right-hand lane  
60 except when overtaking and passing another vehicle or when preparing to make  
61 a proper left turn or when otherwise directed by traffic markings, signs or  
62 signals.

63 7. All trucks registered for a gross weight of more than forty-  
64 eight thousand pounds shall not be driven in the far left-hand lane  
65 upon all interstate highways, freeways, or expressways within  
66 urbanized areas of the state having three or more lanes of traffic  
67 proceeding in the same direction. This restriction shall not apply  
68 when:

69 (1) It is necessary for the operator of the truck to follow traffic  
70 control devices that direct use of a lane other than the right lane; or

71 (2) The right half of a roadway is closed to traffic while under  
72 construction or repair.

73 8. As used in subsection 7 of this section, "truck" means any  
74 vehicle, machine, tractor, trailer, or semitrailer, or any combination  
75 thereof, propelled or drawn by mechanical power and designed for or  
76 used in the transportation of property upon the highways. The term  
77 "truck" also includes a commercial motor vehicle as defined in section  
78 **301.010, RSMo.**

79 9. Violation of this section shall be deemed an infraction unless such  
80 violation causes an immediate threat of an accident, in which case such violation  
81 shall be deemed a class C misdemeanor, or unless an accident results from such  
82 violation, in which case such violation shall be deemed a class A misdemeanor.

**304.032. 1. No person shall operate a utility vehicle, as defined**

2 in section 301.010, RSMo, upon the highways of this state, except as  
3 follows:

4 (1) Utility vehicles owned and operated by a governmental entity  
5 for official use;

6 (2) Utility vehicles operated for agricultural purposes or  
7 industrial on-premises purposes between the official sunrise and sunset  
8 on the day of operation, unless equipped with proper lighting;

9 (3) Utility vehicles operated by handicapped persons for short  
10 distances occasionally only on the state's secondary roads when  
11 operated between the hours of sunrise and sunset;

12 (4) Governing bodies of cities may issue special permits for  
13 utility vehicles to be used on highways within the city limits by  
14 licensed drivers. Fees of fifteen dollars may be collected and retained  
15 by cities for such permits;

16 (5) Governing bodies of counties may issue special permits for  
17 utility vehicles to be used on county roads within the county by  
18 licensed drivers. Fees of fifteen dollars may be collected and retained  
19 by the counties for such permits.

20 2. No person shall operate a utility vehicle within any stream or  
21 river in this state, except that utility vehicles may be operated within  
22 waterways which flow within the boundaries of land which a utility  
23 vehicle operator owns, or for agricultural purposes within the  
24 boundaries of land which a utility vehicle operator owns or has  
25 permission to be upon, or for the purpose of fording such stream or  
26 river of this state at such road crossings as are customary or part of the  
27 highway system. All law enforcement officials or peace officers of this  
28 state and its political subdivisions or department of conservation  
29 agents or department of natural resources park rangers shall enforce  
30 the provisions of this subsection within the geographic area of their  
31 jurisdiction.

32 3. A person operating a utility vehicle on a highway pursuant to  
33 an exception covered in this section shall have a valid operator's or  
34 chauffeur's license, except that a handicapped person operating such  
35 vehicle under subdivision (3) of subsection 1 of this section, but shall  
36 not be required to have passed an examination for the operation of a  
37 motorcycle, and the vehicle shall be operated at speeds of less than  
38 forty-five miles per hour.

39 4. No persons shall operate a utility vehicle:

40           **(1) In any careless way so as to endanger the person or property**  
41 **of another; or**

42           **(2) While under the influence of alcohol or any controlled**  
43 **substance.**

44           **5. No operator of a utility vehicle shall carry a passenger, except**  
45 **for agricultural purposes. The provisions of this subsection shall not**  
46 **apply to any utility vehicle in which the seat of such vehicle is**  
47 **designed to carry more than one person.**

48           **6. A violation of this section shall be a class C misdemeanor. In**  
49 **addition to other legal remedies, the attorney general or county**  
50 **prosecuting attorney may institute a civil action in a court of**  
51 **competent jurisdiction for injunctive relief to prevent such violation or**  
52 **future violations and for the assessment of a civil penalty not to exceed**  
53 **one thousand dollars per day of violation.**

          304.130. 1. For the purpose of promoting the public safety, health and  
2 general welfare and to protect life and property, the county commission in all  
3 counties of the first class, is empowered to adopt, by order or ordinance,  
4 regulations to control vehicular traffic upon the public roads and highways in the  
5 unincorporated territory of such counties and to establish reasonable speed  
6 regulations in congested areas upon such public roads and highways in the  
7 unincorporated territory of such counties. Such regulations shall not be  
8 inconsistent with the provisions of the general motor vehicle laws of this state.

9           **2. Except as provided in subsection 3 of this section,** before the  
10 adoption of such regulations, the county commission shall hold at least three  
11 public hearings thereon, fifteen days' notice of the time and place of which shall  
12 be published in at least two newspapers having a general circulation within the  
13 county, and notice of such hearing shall also be posted at least fifteen days in  
14 advance thereof in four conspicuous places in the county; provided, however, that  
15 any regulations respecting stop signs, signal lights and speed limits on state or  
16 federal highways shall be approved by the state highways and transportation  
17 commission before the same shall become effective.

18           **3. Regulations relating solely to increasing speed limits shall be**  
19 **exempt from the procedural requirements of subsection 2 of this**  
20 **section and shall take effect immediately upon approval of the county**  
21 **commission.**

22           **4. The regulations adopted shall be codified, printed and distributed for**  
23 **public use; provided, however, that adequate signs displaying the speed limit**  
24 **must be posted along the highways at the points along such highways where such**

25 speed limits begin and end.

304.180. 1. No vehicle or combination of vehicles shall be moved or  
 2 operated on any highway in this state having a greater weight than twenty  
 3 thousand pounds on one axle, no combination of vehicles operated by transporters  
 4 of general freight over regular routes as defined in section 390.020, RSMo, shall  
 5 be moved or operated on any highway of this state having a greater weight than  
 6 the vehicle manufacturer's rating on a steering axle with the maximum weight  
 7 not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be  
 8 moved or operated on any state highway of this state having a greater weight  
 9 than thirty-four thousand pounds on any tandem axle; the term "tandem axle"  
 10 shall mean a group of two or more axles, arranged one behind another, the  
 11 distance between the extremes of which is more than forty inches and not more  
 12 than ninety-six inches apart.

13 2. An "axle load" is defined as the total load transmitted to the road by  
 14 all wheels whose centers are included between two parallel transverse vertical  
 15 planes forty inches apart, extending across the full width of the vehicle.

16 3. Subject to the limit upon the weight imposed upon a highway of this  
 17 state through any one axle or on any tandem axle, the total gross weight with  
 18 load imposed by any group of two or more consecutive axles of any vehicle or  
 19 combination of vehicles shall not exceed the maximum load in pounds as set forth  
 20 in the

21 following table:

22 Distance in feet

23 between the extremes

24 of any group of two or

25 more consecutive axles,

26 measured to the nearest

27 foot, except where

28 indicated otherwise

Maximum load in pounds

29	feet	2 axles	3 axles	4 axles	5 axles	6 axles
30	4	34,000				
31	5	34,000				
32	6	34,000				
33	7	34,000				
34	8	34,000	34,000			
35	More than 8	38,000	42,000			

36	9	39,000	42,500			
37	10	40,000	43,500			
38	11	40,000	44,000			
39	12	40,000	45,000	50, 000		
40	13	40,000	45,500	50, 500		
41	14	40,000	46,500	51, 500		
42	15	40,000	47,000	52, 000		
43	16	40,000	48,000	52, 500	58,000	
44	17	40,000	48,500	53, 500	58,500	
45	18	40,000	49,500	54, 000	59,000	
46	19	40,000	50,000	54, 500	60,000	
47	20	40,000	51,000	55, 500	60,500	66,000
48	21	40,000	51,500	56, 000	61,000	66,500
49	22	40,000	52,500	56, 500	61,500	67,000
50	23	40,000	53,000	57, 500	62,500	68,000
51	24	40,000	54,000	58, 000	63,000	68,500
52	25	40,000	54,500	58, 500	63,500	69,000
53	26	40,000	55,500	59, 500	64,000	69,500
54	27	40,000	56,000	60, 000	65,000	70,000
55	28	40,000	57,000	60, 500	65,500	71,000
56	29	40,000	57,500	61, 500	66,000	71,500
57	30	40,000	58,500	62, 000	66,500	72,000
58	31	40,000	59,000	62, 500	67,500	72,500
59	32	40,000	60,000	63, 500	68,000	73,000
60	33	40,000	60,000	64, 000	68,500	74,000
61	34	40,000	60,000	64, 500	69,000	74,500
62	35	40,000	60,000	65, 500	70,000	75,000
63	36		60,000	66, 000	70,500	75,500
64	37		60,000	66, 500	71,000	76,000
65	38		60,000	67, 500	72,000	77,000
66	39		60,000	68, 000	72,500	77,500
67	40		60,000	68, 500	73,000	78,000
68	41		60,000	69, 500	73,500	78,500

69	42	60,000	70, 000	74,000	79,000
70	43	60,000	70, 500	75,000	80,000
71	44	60,000	71, 500	75,500	80,000
72	45	60,000	72, 000	76,000	80,000
73	46	60,000	72, 500	76,500	80,000
74	47	60,000	73, 500	77,500	80,000
75	48	60,000	74, 000	78,000	80,000
76	49	60,000	74, 500	78,500	80,000
77	50	60,000	75, 500	79,000	80,000
78	51	60,000	76, 000	80,000	80,000
79	52	60,000	76, 500	80,000	80,000
80	53	60,000	77, 500	80,000	80,000
81	54	60,000	78, 000	80,000	80,000
82	55	60,000	78, 500	80,000	80,000
83	56	60,000	79, 500	80,000	80,000
84	57	60,000	80, 000	80,000	80,000

85 Notwithstanding the above table, two consecutive sets of tandem axles may carry  
 86 a gross load of thirty-four thousand pounds each if the overall distance between  
 87 the first and last axles of such consecutive sets of tandem axles is thirty-six feet  
 88 or more.

89 4. Whenever the state highways and transportation commission finds that  
 90 any state highway bridge in the state is in such a condition that use of such  
 91 bridge by vehicles of the weights specified in subsection 3 of this section will  
 92 endanger the bridge, or the users of the bridge, the commission may establish  
 93 maximum weight limits and speed limits for vehicles using such bridge. The  
 94 governing body of any city or county may grant authority by act or ordinance to  
 95 the state highways and transportation commission to enact the limitations  
 96 established in this section on those roadways within the purview of such city or  
 97 county. Notice of the weight limits and speed limits established by the  
 98 commission shall be given by posting signs at a conspicuous place at each end of  
 99 any such bridge.

100 5. Nothing in this section shall be construed as permitting lawful axle  
 101 loads, tandem axle loads or gross loads in excess of those permitted under the  
 102 provisions of Section 127 of Title 23 of the United States Code.

103 6. Notwithstanding the weight limitations contained in this section, any

104 vehicle or combination of vehicles operating on highways other than the interstate  
105 highway system may exceed single axle, tandem axle and gross weight limitations  
106 in an amount not to exceed two thousand pounds. However, total gross weight  
107 shall not exceed eighty thousand pounds, **except as provided in subsection**  
108 **9 of this section.**

109 7. Notwithstanding any provision of this section to the contrary, the  
110 department of transportation shall issue a single-use special permit, or upon  
111 request of the owner of the truck or equipment, shall issue an annual permit, for  
112 the transporting of any concrete pump truck or well-drillers' equipment. The  
113 department of transportation shall set fees for the issuance of permits pursuant  
114 to this subsection. Notwithstanding the provisions of section 301.133, RSMo,  
115 concrete pump trucks or well-drillers' equipment may be operated on  
116 state-maintained roads and highways at any time on any day.

117 8. **Notwithstanding the provision of this section to the contrary,**  
118 **the maximum gross vehicle limit and axle weight limit for any vehicle**  
119 **or combination of vehicles equipped with an idle reduction technology**  
120 **may be increased by a quantity necessary to compensate for the**  
121 **additional weight of the idle reduction system as provided for in 23**  
122 **U.S.C. Section 127, as amended. In no case shall the additional weight**  
123 **increase allowed by this subsection be greater than four hundred**  
124 **pounds. Upon request by an appropriate law enforcement officer, the**  
125 **vehicle operator shall provide proof that the idle reduction technology**  
126 **is fully functional at all times and that the gross weight increase is not**  
127 **used for any purpose other than for the use of idle reduction**  
128 **technology.**

129 9. **Notwithstanding subsection 3 of this section or any other**  
130 **provision of law to the contrary, the total gross weight of any vehicle**  
131 **or combination of vehicles hauling livestock may be as much as, but**  
132 **shall not exceed, eighty-five thousand five hundred pounds while**  
133 **operating on U.S. Highway 36 from St. Joseph to U.S. Highway 65, and**  
134 **on U.S. Highway 65 from the Iowa state line to U.S. Highway 36.**

304.230. 1. It shall be the duty of the sheriff of each county or city to see  
2 that the provisions of sections 304.170 to 304.230 are enforced, and any peace  
3 officer or police officer of any county or city or any highway patrol officer shall  
4 have the power to arrest on sight or upon a warrant any person found violating  
5 or having violated the provisions of such sections. **Beginning January 1, 2009,**  
6 **only law enforcement officers that have been approved by the Missouri**  
7 **state highway patrol under section 304.232, members of the Missouri**

8 state highway patrol, commercial vehicle enforcement officers, and  
9 commercial vehicle inspectors appointed under subsection 4 of this  
10 section shall have the authority to conduct random roadside  
11 examinations or inspections to determine compliance with sections  
12 304.170 to 304.230, and only such officers shall have the authority, with  
13 or without probable cause to believe that the size or weight is in excess  
14 of that permitted by sections 304.170 to 304.230, to require the driver,  
15 operator, owner, lessee, or bailee, to stop, drive, or otherwise move to  
16 a location to determine compliance with sections 304.170 to  
17 304.230. Notwithstanding the provisions of this subsection, a law  
18 enforcement officer not certified under section 304.232, may stop a  
19 vehicle that has a visible external safety defect relating to the  
20 enforcement of the provisions of sections 304.170 to 304.230 that could  
21 cause immediate harm to the traveling public. Nothing in this section  
22 shall be construed as preventing a law enforcement officer not certified  
23 under section 304.232 from stopping and detaining a commercial motor  
24 vehicle when such officer has probable cause to believe that the  
25 commercial motor vehicle is being used to conduct illegal or criminal  
26 activities unrelated to violations of sections 304.170 to 304.230. In the  
27 course of a stop, the law enforcement officer shall identify to the driver  
28 the defect that caused the stop. If the vehicle passes a comprehensive  
29 roadside inspection, the law enforcement officer, state highway  
30 patrolman, or other authorized person shall issue such vehicle a  
31 Commercial Vehicle Safety Alliance inspection decal to be affixed to the  
32 vehicle in a manner prescribed by the Commercial Vehicle Safety  
33 Alliance. The superintendent of the Missouri state highway patrol shall  
34 promulgate rules and regulations relating to the implementation of the  
35 provisions of this section. Any rule or portion of a rule, as that term is  
36 defined in section 536.010, RSMo, that is created under the authority  
37 delegated in this section shall become effective only if it complies with  
38 and is subject to all of the provisions of chapter 536, RSMo, and, if  
39 applicable, section 536.028, RSMo. This section and chapter 536, RSMo,  
40 are nonseverable and if any of the powers vested with the general  
41 assembly pursuant to chapter 536, RSMo, to review, to delay the  
42 effective date, or to disapprove and annul a rule are subsequently held  
43 unconstitutional, then the grant of rulemaking authority and any rule  
44 proposed or adopted after August 28, 2008, shall be invalid and void.

45 2. [The sheriff or] Any peace officer approved under section 304.232



46 or any highway patrol officer is hereby given the power to stop any such  
47 conveyance or vehicle as above described upon the public highway for the purpose  
48 of determining whether such vehicle is loaded in excess of the provisions of  
49 sections 304.170 to 304.230, and if he or she finds such vehicle loaded in violation  
50 of the provisions thereof he or she shall have a right at that time and place to  
51 cause the excess load to be removed from such vehicle; and provided further, that  
52 any regularly employed maintenance man of the department of transportation  
53 shall have the right and authority in any part of this state to stop any such  
54 conveyance or vehicle upon the public highway for the purpose of determining  
55 whether such vehicle is loaded in excess of the provisions of sections 304.170 to  
56 304.230, and if he or she finds such vehicle loaded in violation of the provisions  
57 thereof, he or she shall have the right at that time and place to cause the excess  
58 load to be removed from such vehicle. When only an axle or a tandem axle group  
59 of a vehicle is overloaded, the operator shall be permitted to shift the load, if this  
60 will not overload some other axle or axles, without being charged with a violation;  
61 provided, however, the privilege of shifting the weight without being charged with  
62 a violation shall not extend to or include vehicles while traveling on the federal  
63 interstate system of highways. When only an axle or tandem axle group of the  
64 vehicle traveling on the federal interstate system of highways is overloaded and  
65 a court authorized to enforce the provisions of sections 304.170 to 304.230 finds  
66 that the overloading was due to the inadvertent shifting of the load changing axle  
67 weights in transit through no fault of the operator of the vehicle and that the load  
68 thereafter had been shifted so that no axle had been overloaded, then the court  
69 may find that no violation has been committed. The operator of any vehicle shall  
70 be permitted to back up and reweigh, or to turn around and weigh from the  
71 opposite direction. Any operator whose vehicle is weighed and found to be within  
72 five percent of any legal limit may request and receive a weight ticket,  
73 memorandum or statement showing the weight or weights on each axle or any  
74 combinations of axles. Once a vehicle is found to be within the limits of section  
75 304.180 after having been weighed on any state scale and there is no evidence  
76 that any cargo or fuel has been added, no violation shall occur, but a presumption  
77 shall exist that cargo or fuel has been added if upon reweighing on another state  
78 scale the total gross weight exceeds the applicable limits of section 304.180 or  
79 304.190. The highways and transportation commission of this state may deputize  
80 and appoint any number of their regularly employed maintenance men to enforce  
81 the provisions of such sections, and the maintenance men delegated and  
82 appointed in this section shall report to the proper officers any violations of  
83 sections 304.170 to 304.230 for prosecution by such proper officers.

84           3. The superintendent of the Missouri state highway patrol may assign  
85 qualified persons who are not highway patrol officers to supervise or operate  
86 permanent or portable weigh stations used in the enforcement of commercial  
87 vehicle laws. These persons shall be designated as commercial vehicle inspectors  
88 and have limited police powers:

89           (1) To issue uniform traffic tickets at a permanent or portable weigh  
90 station for violations of rules and regulations of the division of motor carrier [and  
91 railroad safety of the department of economic development] **services of the**  
92 **highway and transportation commission** and department of public safety,  
93 and laws, rules, and regulations pertaining to commercial motor vehicles and  
94 trailers and related to size, weight, fuel tax, registration, equipment, driver  
95 requirements, transportation of hazardous materials and operators' or chauffeurs'  
96 licenses, and the provisions of sections 303.024 and 303.025, RSMo;

97           (2) To require the operator of any commercial vehicle to stop and submit  
98 to a vehicle and driver inspection to determine compliance with commercial  
99 vehicle laws, rules, and regulations, the provisions of sections 303.024 and  
100 303.025, RSMo, and to submit to a cargo inspection when reasonable grounds  
101 exist to cause belief that a vehicle is transporting hazardous materials as defined  
102 by Title 49 of the Code of Federal Regulations;

103           (3) To make arrests for violation of subdivisions (1) and (2) of this  
104 subsection. Commercial vehicle inspectors shall not have the authority to  
105 exercise the powers granted in subdivisions (1), (2) and (3) of this subsection until  
106 they have successfully completed training approved by the superintendent of the  
107 Missouri state highway patrol; nor shall they have the right as peace officers to  
108 bear arms.

109           4. The superintendent of the Missouri state highway patrol may appoint  
110 qualified persons, who are not members of the highway patrol, designated as  
111 commercial vehicle enforcement officers, with the powers:

112           (1) To issue uniform traffic tickets for violations of laws, rules and  
113 regulations pertaining to commercial vehicles, trailers, special mobile equipment  
114 and drivers of such vehicles, and the provisions of sections 303.024 and 303.025,  
115 RSMo;

116           (2) To require the operator of any commercial vehicle to stop and submit  
117 to a vehicle and driver inspection to determine compliance with commercial  
118 vehicle laws, rules, and regulations, compliance with the provisions of sections  
119 303.024 and 303.025, RSMo, and to submit to a cargo inspection when reasonable  
120 grounds exist to cause belief that a vehicle is transporting hazardous materials  
121 as defined by Title 49 of the Code of Federal Regulations;

122           (3) To make arrests upon warrants and for violations of subdivisions (1)  
123 and (2) of this subsection. **Commercial vehicle officers selected and**  
124 **designated as peace officers by the superintendent of the Missouri state**  
125 **highway patrol are hereby declared to be peace officers of the state of**  
126 **Missouri, with full power and authority to make arrests solely for**  
127 **violations under the powers granted in subdivisions (1) to (3) of this**  
128 **subsection.** Commercial vehicle enforcement officers shall not have the  
129 authority to exercise the powers granted in subdivisions (1), (2) and (3) of this  
130 subsection until they have successfully completed training approved by the  
131 superintendent of the Missouri state highway patrol **and have completed the**  
132 **mandatory standards for the basic training and licensure of peace**  
133 **officers established by the peace officers standards and training**  
134 **commission under subsection 1 of section 590.030, RSMo. Commercial**  
135 **vehicle officers who are employed and performing their duties on**  
136 **August 28, 2008, shall have until July 1, 2012, to comply with the**  
137 **mandatory standards regarding police officer basic training and**  
138 **licensure.** Commercial vehicle enforcement officers shall have the right as peace  
139 officers to bear arms.

140           5. Any additional employees needed for the implementation of this section  
141 shall be hired in conformity with the provisions of the federal fair employment  
142 and antidiscrimination acts.

143           6. Any part of this section which shall be construed to be in conflict with  
144 the axle or tandem axle load limits permitted by the Federal-Aid Highway Act,  
145 Section 127 of Title 23 of the United States Code (Public Law 85-767, 85th  
146 Congress) shall be null, void and of no effect.

147           7. **The superintendent may also appoint members of the patrol**  
148 **who are certified under the commercial vehicle safety alliance with the**  
149 **power to conduct commercial motor vehicle and driver inspections and**  
150 **to require the operator of any commercial vehicle to stop and submit**  
151 **to said inspections to determine compliance with commercial vehicle**  
152 **laws, rules, and regulations; compliance with the provisions of sections**  
153 **303.024 and 303.025, RSMo; and to submit to a cargo inspection when**  
154 **reasonable grounds exist to cause belief that a vehicle is transporting**  
155 **hazardous materials as defined by Title 49 of the Code of Federal**  
156 **Regulations.**

          304.232. 1. The Missouri state highway patrol shall approve  
2 procedures for the certification of municipal police officers, sheriffs,  
3 deputy sheriffs, and other law enforcement officials that enforce

4 sections 304.170 to 304.230.

5           2. The certification procedures shall meet the requirements of  
6 the memorandum of understanding between the state of Missouri and  
7 the Commercial Vehicle Safety Alliance or any successor organization,  
8 as periodically adopted or amended.

9           3. Commercial motor vehicle safety data collection, management,  
10 and distribution by law enforcement officials shall be compatible with  
11 the information systems of the Missouri state highway patrol.

12           4. The Missouri state highway patrol shall establish reasonable  
13 fees sufficient to recover the cost of training, recurring training, data  
14 collection and management, certifying, and additional administrative  
15 functions for law enforcement officials approved under this section.

16           5. The agencies for which law enforcement officials approved  
17 under this section shall adhere to the Motor Carrier Safety Assistance  
18 Program requirements under 49 Code of Federal Regulations Part 350  
19 of the Federal Motor Carrier Safety Regulations.

20           6. The agencies for which law enforcement officials approved  
21 under this section shall be subject to periodic program reviews and be  
22 required to submit a commercial vehicle safety plan that is consistent  
23 with and incorporated into the statewide enforcement plan.

24           7. Beginning January 1, 2009, no local law enforcement officer  
25 may conduct a random commercial motor vehicle roadside inspection  
26 to determine compliance with the provisions of sections 304.170 to  
27 304.230 unless the law enforcement officer has satisfactorily completed,  
28 as a part of his or her training, the basic course of instruction  
29 developed by the Commercial Vehicle Safety Alliance and has been  
30 approved by the Missouri state highway patrol under this section. Law  
31 enforcement officers authorized to enforce the provisions of sections  
32 304.170 to 304.230 shall annually receive in-service training related to  
33 commercial motor vehicle operations, including but not limited to  
34 training in current federal motor carrier safety regulations, safety  
35 inspection procedures, and out-of-service criteria. The annual training  
36 requirements shall be approved by the superintendent of the state  
37 highway patrol.

38           8. Law enforcement officers who have received Commercial  
39 Vehicle Safety Alliance certification prior to January 1, 2009, shall be  
40 exempt from the provisions of this section and such officers shall be  
41 qualified to conduct random roadside inspections described under this

42 section and section 304.230.

43       9. The superintendent of the state highway patrol shall  
44 promulgate rules and regulations necessary to administer the  
45 certification procedures and any other provisions of this section. Any  
46 rule or portion of a rule, as that term is defined in section 536.010,  
47 RSMo, that is created under the authority delegated in this section  
48 shall become effective only if it complies with and is subject to all of  
49 the provisions of chapter 536, RSMo, and, if applicable, section 536.028,  
50 RSMo. This section and chapter 536, RSMo, are nonseverable and if any  
51 of the powers vested with the general assembly pursuant to chapter  
52 536, RSMo, to review, to delay the effective date, or to disapprove and  
53 annul a rule are subsequently held unconstitutional, then the grant of  
54 rulemaking authority and any rule proposed or adopted after August  
55 28, 2008, shall be invalid and void.

      304.590. 1. As used in this section, the term "travel safe zone"  
2 means any area upon or around any highway, as defined in section  
3 302.010, RSMo, which is visibly marked by the department of  
4 transportation; and when a highway safety analysis demonstrates fatal  
5 or disabling motor vehicle crashes exceed a predicted safety  
6 performance level for comparable roadways as determined by the  
7 department of transportation.

8       2. Upon a conviction or a plea of guilty by any person for a  
9 moving violation as defined in section 302.010, RSMo, or any offense  
10 listed in section 302.302, RSMo, the court shall double the amount of  
11 fine authorized to be imposed by law, if the moving violation or offense  
12 occurred within a travel safe zone.

13       3. Upon a conviction or plea of guilty by any person for a  
14 speeding violation under section 304.009 or 304.010, the court shall  
15 double the amount of fine authorized by law, if the violation occurred  
16 within a travel safe zone.

17       4. The penalty authorized under subsections 1 and 3 of this  
18 section shall only be assessed by the court if the department of  
19 transportation has erected signs upon or around a travel safe zone  
20 which are clearly visible from the highway and which state  
21 substantially the following message: "Travel Safe Zone -- Fines  
22 Doubled".

23       5. This section shall not be construed to enhance the assessment  
24 of court costs or the assessment of points under section 302.302, RSMo.

305.230. 1. The state highways and transportation commission shall  
2 administer an aeronautics program within this state. The commission shall  
3 encourage, foster and participate with the political subdivisions of this state in  
4 the promotion and development of aeronautics. The commission may provide  
5 financial assistance in the form of grants from funds appropriated for such  
6 purpose to any political subdivision or instrumentality of this state acting  
7 independently or jointly or to the owner or owners of any privately owned airport  
8 designated as a reliever by the Federal Aviation Administration for the planning,  
9 acquisition, construction, improvement or maintenance of airports, or for other  
10 aeronautical purposes.

11 2. Any political subdivision or instrumentality of this state or the owner  
12 or owners of any privately owned airport designated as a reliever by the Federal  
13 Aviation Administration receiving state funds for the purchase, construction, or  
14 improvement, except maintenance, of an airport shall agree before any funds are  
15 paid to it to control by ownership or lease the airport for a period equal to the  
16 useful life of the project as determined by the commission following the last  
17 payment of state or federal funds to it. In the event an airport authority ceases  
18 to exist for any reason, this obligation shall be carried out by the governing body  
19 which created the authority.

20 3. Unless otherwise provided, grants to political subdivisions,  
21 instrumentalities or to the owner or owners of any privately owned airport  
22 designated as a reliever by the Federal Aviation Administration shall be made  
23 from the aviation trust fund. In making grants, the commission shall consider  
24 whether the local community has given financial support to the airport in the  
25 past. Priority shall be given to airports with local funding for the past five years  
26 with no reduction in such funding. The aviation trust fund is a revolving trust  
27 fund exempt from the provisions of section 33.080, RSMo, relating to the transfer  
28 of funds to the general revenue funds of the state by the state treasurer. All  
29 interest earned upon the balance in the aviation trust fund shall be deposited to  
30 the credit of the same fund.

31 4. The moneys in the aviation trust fund shall be administered by the  
32 commission and, when appropriated, shall be used for the following purposes:

33 (1) As matching funds on an up to ninety percent state/ten percent local  
34 basis, except in the case where federal funds are being matched, when the ratio  
35 of state and local funds used to match the federal funds shall be fifty percent  
36 state/fifty percent local:

37 (a) For preventive maintenance of runways, taxiways and aircraft parking  
38 areas, and for emergency repairs of the same;

39 (b) For the acquisition of land for the development and improvement of  
40 airports;

41 (c) For the earthwork and drainage necessary for the construction,  
42 reconstruction or repair of runways, taxiways, and aircraft parking areas;

43 (d) For the construction, or restoration of runways, taxiways, or aircraft  
44 parking areas;

45 (e) For the acquisition of land or easements necessary to satisfy Federal  
46 Aviation Administration safety requirements;

47 (f) For the identification, marking or removal of natural or manmade  
48 obstructions to airport control zone surfaces and safety areas;

49 (g) For the installation of runway, taxiway, boundary, ramp, or  
50 obstruction lights, together with any work directly related to the electrical  
51 equipment;

52 (h) For the erection of fencing on or around the perimeter of an airport;

53 (i) For purchase, installation or repair of air navigational and landing aid  
54 facilities and communication equipment;

55 (j) For engineering related to a project funded under the provisions of this  
56 section and technical studies or consultation related to aeronautics;

57 (k) For airport planning projects including master plans and site selection  
58 for development of new airports, for updating or establishing master plans and  
59 airport layout plans at existing airports;

60 (l) For the purchase, installation, or repair of safety equipment and such  
61 other capital improvements and equipment as may be required for the safe and  
62 efficient operation of the airport;

63 **(m) If at least six million dollars is deposited into the aviation**  
64 **trust fund in the previous calendar year, up to two million dollars may**  
65 **be expended annually upon the study or promotion of expanded**  
66 **domestic or international scheduled commercial service, the study or**  
67 **promotion of intrastate scheduled commercial service, or to assist**  
68 **airport sponsors participating in a federally funded air service**  
69 **program supporting intrastate scheduled commercial service;**

70 (2) As total funds, with no local match:

71 (a) For providing air markers, windsocks, and other items determined to  
72 be in the interest of the safety of the general flying public;

73 (b) For the printing and distribution of state aeronautical charts and state  
74 airport directories on an annual basis, and a newsletter on a quarterly basis or  
75 the publishing and distribution of any public interest information deemed  
76 necessary by the commission;

77 (c) For the conducting of aviation safety workshops;

78 (d) For the promotion of aerospace education;

79 (3) As total funds with no local match, up to five hundred thousand  
80 dollars per year may be used for the cost of operating existing air traffic control  
81 towers that do not receive funding from the Federal Aviation Administration or  
82 the United States Department of Defense, except no more than one hundred  
83 sixty-seven thousand dollars per year may be used for any individual control  
84 tower.

85 (4) As total funds with a local match, up to five hundred  
86 thousand dollars per year may be used for air traffic control towers  
87 partially funded by the federal government under a cost-share  
88 program. Any expenditures under this program require a non-federal  
89 match, comprised of a ratio of fifty percent state and fifty percent local  
90 funds. No more than one hundred thousand dollars per year may be  
91 expended for any individual control tower.

92 5. In the event of a natural or manmade disaster which closes any runway  
93 or renders inoperative any electronic or visual landing aid at an airport, any  
94 funds appropriated for the purpose of capital improvements or maintenance of  
95 airports may be made immediately available for necessary repairs once they are  
96 approved by the commission. For projects designated as emergencies by the  
97 commission, all requirements relating to normal procurement of engineering and  
98 construction services are waived.

99 6. As used in this section, the term "instrumentality of the state" shall  
100 mean any state educational institution as defined in section 176.010, RSMo, or  
101 any state agency which owned or operated an airport on January 1, 1997, and  
102 continues to own or operate such airport.

**385.400. Sections 385.400 to 385.436 shall be known and may be  
2 cited as the "Missouri Vehicle Protection Product Act".**

**385.403. As used in sections 385.400 to 385.436, the following  
2 terms shall mean:**

3 (1) "Administrator", a third party other than the warrantor who  
4 is designated by the warrantor to be responsible for the administration  
5 of vehicle protection product warranties;

6 (2) "Department", the department of insurance, financial  
7 institutions and professional registration;

8 (3) "Director", the director of the department of insurance,  
9 financial institutions, and professional registration;

10 (4) "Incidental costs", expenses specified in the warranty



11 incurred by the warranty holder related to the failure of the vehicle  
12 protection product to perform as provided in the warranty. Incidental  
13 costs may include, without limitation, insurance policy deductibles,  
14 rental vehicle charges, the difference between the actual value of the  
15 stolen vehicle at the time of theft and the cost of a replacement vehicle,  
16 sales taxes, registration fees, transaction fees, and mechanical  
17 inspection fees;

18 (5) "Premium", the consideration paid to an insurer for a  
19 reimbursement insurance policy;

20 (6) "Service contract", a contract or agreement for a separately  
21 stated consideration or for a specific duration to perform the repair,  
22 replacement, or maintenance of a motor vehicle or indemnification for  
23 repair, replacement, or maintenance, for the operational or structural  
24 failure due to a defect in materials, workmanship, or normal wear and  
25 tear, with or without additional provision for incidental payment of  
26 indemnity under limited circumstances, including but not limited to  
27 towing, rental, and emergency road service, but does not include  
28 mechanical breakdown insurance or maintenance agreements;

29 (7) "Vehicle protection product", a vehicle protection device,  
30 system, or service that:

31 (a) Is installed on or applied to a vehicle;

32 (b) Is designed to prevent loss or damage to a vehicle from a  
33 specific cause; and

34 (c) Includes a written vehicle protection product warranty.

35 For purposes of sections 385.400 to 385.436, the term "vehicle protection  
36 product" shall include, without limitation, alarm systems, body part  
37 marking products, steering locks, window etch products, pedal and  
38 ignition locks, fuel and ignition kill switches, and electronic, radio, and  
39 satellite tracking devices;

40 (8) "Vehicle protection product warranty" or "warranty", a  
41 written agreement by a warrantor that provides that if the vehicle  
42 protection product fails to prevent loss or damage to a vehicle from a  
43 specific cause, then the warranty holder shall be paid specified  
44 incidental costs by the warrantor as a result of the failure of the  
45 vehicle protection product to perform pursuant to the terms of the  
46 warranty. Incidental costs may be reimbursed under the provisions of  
47 the warranty in either a fixed amount specified in the warranty or  
48 sales agreement or by the use of a formula itemizing specific incidental

49 costs incurred by the warranty holder;

50 (9) "Vehicle protection product warrantor" or "warrantor", a  
51 person who is contractually obligated to the warranty holder under the  
52 terms of the vehicle protection product warranty  
53 agreement. "Warrantor" does not include an authorized insurer  
54 providing a warranty reimbursement insurance policy;

55 (10) "Warranty holder", the person who purchases a vehicle  
56 protection product or who is a permitted transferee;

57 (11) "Warranty reimbursement insurance policy", a policy of  
58 insurance that is issued to the vehicle protection product warrantor to  
59 provide reimbursement to the warrantor or to pay on behalf of the  
60 warrantor all covered contractual obligations incurred by the  
61 warrantor under the terms and conditions of the insured vehicle  
62 protection product warranties sold by the warrantor.

385.406. 1. No vehicle protection product may be sold or offered  
2 for sale in this state unless the seller, warrantor, and administrator, if  
3 any, comply with the provisions of sections 385.400 to 385.436.

4 2. Vehicle protection product warrantors and related vehicle  
5 protection product sellers and warranty administrators complying with  
6 sections 385.400 to 385.436 are not required to comply with and are not  
7 subject to any other provisions of the state insurance code.

8 3. Service contract providers who do not sell vehicle protection  
9 products are not subject to the requirements of sections 385.400 to  
10 385.436 and sales of vehicle protection products are exempt from the  
11 requirements of sections 385.200 to 385.220.

12 4. Warranties, indemnity agreements, and guarantees that are  
13 not provided as a part of a vehicle protection product are not subject  
14 to the provisions of sections 385.400 to 385.436.

15 5. Notwithstanding the provisions of sections 408.140 and 408.233,  
16 RSMo, a business which is licensed and regulated under sections  
17 367.100 to 367.215 or sections 367.500 to 367.533, RSMo, may offer and  
18 sell service contracts, as defined in sections 385.200, 385.300, and  
19 385.403, in conjunction with other transactions so long as such business  
20 complies with all other requirements of chapter 385.

385.409. 1. A person may not operate as a warrantor or represent  
2 to the public that the person is a warrantor unless the person is  
3 registered with the department on a form prescribed by the director.

4 2. Warrantor registration records shall be filed annually and

5 shall be updated within thirty days of any change. The registration  
6 records shall contain the following information:

7 (1) The warrantor's name, any fictitious names under which the  
8 warrantor does business in the state, principal office address, and  
9 telephone number;

10 (2) The name and address of the warrantor's agent for service of  
11 process in the state if other than the warrantor;

12 (3) The names of the warrantor's executive officer or officers  
13 directly responsible for the warrantor's vehicle protection product  
14 business;

15 (4) The name, address, and telephone number of any  
16 administrators designated by the warrantor to be responsible for the  
17 administration of vehicle protection product warranties in this state;

18 (5) A copy of the warranty reimbursement insurance policy or  
19 policies or other financial information required by section 385.412;

20 (6) A copy of each warranty the warrantor proposes to use in this  
21 state; and

22 (7) A statement indicating under which provision of section  
23 385.412 the warrantor qualifies to do business in this state as a  
24 warrantor.

25 3. The director may charge each registrant a reasonable fee to  
26 offset the cost of processing the registration and maintaining the  
27 records in an amount not to exceed five hundred dollars annually or as  
28 set by regulation. The information in subdivisions (1) and (2) of  
29 subsection 2 of this section shall be made available to the public.

30 4. If a registrant fails to register by the renewal deadline, the  
31 director shall give him or her written notice of the failure and the  
32 registrant will have thirty days to complete the renewal of his or her  
33 registration before he or she is suspended from being registered in this  
34 state.

35 5. An administrator or person who sells or solicits a sale of a  
36 vehicle protection product but who is not a warrantor shall not be  
37 required to register as a warrantor or be licensed under the insurance  
38 laws of this state to sell vehicle protection products.

385.412. No vehicle protection product shall be sold or offered for  
2 sale in this state unless the warrantor conforms to either subdivision  
3 (1) or (2) of this section in order to ensure adequate performance under  
4 the warranty. No other financial security requirements or financial

5 standards for warrantors shall be required. The vehicle protection  
6 product's warrantor may meet the requirements of this section by:

7 (1) Obtaining a warranty reimbursement insurance policy issued  
8 by an insurer authorized to do business within this state which  
9 provides that the insurer will pay to, or on behalf of, the warrantor one  
10 hundred percent of all sums that the warrantor is legally obligated to  
11 pay according to the warrantor's contractual obligations under the  
12 warrantor's vehicle protection product warranty. The warrantor shall  
13 file a true and correct copy of the warranty reimbursement insurance  
14 policy with the director. The policy shall contain the provisions  
15 required in section 385.415; or

16 (2) Maintaining a net worth or stockholder's equity of fifty  
17 million dollars. The warrantor shall provide the director with a copy  
18 of the warrantor's or warrantor's parent company's most recent Form  
19 10-K or Form 20-F filed with the Securities and Exchange Commission  
20 within the last calendar year, or if the warrantor does not file with the  
21 Securities and Exchange Commission, a copy of the warrantor or the  
22 warrantor's parent company's audited financial statements that shows  
23 a net worth of the warrantor or its parent company of at least fifty  
24 million dollars. If the warrantor's parent company's Form 10-K, Form  
25 20-F, or audited financial statements are filed to meet the warrantor's  
26 financial stability requirement, then the parent company shall agree to  
27 guarantee the obligations of the warrantor relating to warranties  
28 issued by the warrantor in this state. The financial information filed  
29 under this subdivision shall be confidential as a trade secret of the  
30 entity filing the information and not subject to public disclosure if the  
31 entity is not required to file with the Securities and Exchange  
32 Commission.

385.415. No warranty reimbursement insurance policy shall be  
2 issued, sold, or offered for sale in this state unless the policy meets the  
3 following conditions:

4 (1) The policy states that the issuer of the policy will reimburse  
5 or pay on behalf of the vehicle protection product warrantor all  
6 covered sums which the warrantor is legally obligated to pay or will  
7 provide that all service that the warrantor is legally obligated to  
8 perform according to the warrantor's contractual obligations under the  
9 provisions of the insured warranties sold by the warrantor;

10 (2) The policy states that in the event payment due under the

11 terms of the warranty is not provided by the warrantor within sixty  
12 days after proof of loss has been filed according to the terms of the  
13 warranty by the warranty holder, the warranty holder may file directly  
14 with the warranty reimbursement insurance company for  
15 reimbursement;

16 (3) The policy provides that a warranty reimbursement  
17 insurance company that insures a warranty shall be deemed to have  
18 received payment of the premium if the warranty holder paid for the  
19 vehicle protection product and insurer's liability under the policy shall  
20 not be reduced or relieved by a failure of the warrantor, for any reason,  
21 to report the issuance of a warranty to the insurer; and

22 (4) The policy has the following provisions regarding  
23 cancellation of the policy:

24 (a) The issuer of a reimbursement insurance policy shall not  
25 cancel such policy until a notice of cancellation in writing has been  
26 mailed or delivered to the director and each insured warrantor sixty  
27 days prior to cancellation of the policy;

28 (b) The cancellation of a reimbursement insurance policy shall  
29 not reduce the issuer's responsibility for vehicle protection products  
30 sold prior to the date of cancellation; and

31 (c) In the event an insurer cancels a policy that a warrantor has  
32 filed with the director, the warrantor shall do either of the following:

33 a. File a copy of a new policy with the director, before the  
34 termination of the prior policy; or

35 b. Discontinue offering warranties as of the termination date of  
36 the policy until a new policy becomes effective and is accepted by the  
37 director.

385.418. 1. Every vehicle protection product warranty shall be  
2 written in clear, understandable language and shall be printed or typed  
3 in an easy-to-read point size and font and shall not be issued, sold, or  
4 offered for sale in the state unless the warranty:

5 (1) States that the obligations of the warrantor to the warranty  
6 holder are guaranteed under a warranty reimbursement insurance  
7 policy if the warrantor elects to meet its financial responsibility  
8 obligations under subdivision (1) of section 385.412, or states the  
9 obligations of the warrantor under this warranty are backed by the full  
10 faith and credit of the warrantor if the warrantor elects to meet its  
11 financial responsibility under subdivision (2) of section 385.412;

12           (2) States that in the event a warranty holder must make a claim  
13 against a party other than the warrantor, the warranty holder is  
14 entitled to make a direct claim against the warranty reimbursement  
15 insurer upon the failure of the warrantor to pay any claim or meet any  
16 obligation under the terms of the warranty within sixty days after  
17 proof of loss has been filed with the warrantor, if the warrantor elects  
18 to meet its financial responsibility obligations under subdivision (1) of  
19 section 385.412;

20           (3) States the name and address of the insurer of the warranty  
21 reimbursement insurance policy, and this information need not be  
22 preprinted on the warranty form but may be stamped on the warranty,  
23 if the warrantor elects to meet its financial responsibility obligations  
24 under subdivision (1) of section 385.412;

25           (4) Identifies the warrantor, the seller, and the warranty holder;

26           (5) Sets forth the total purchase price of the vehicle protection  
27 product warranty and the terms under which it is to be paid; however,  
28 the purchase price is not required to be preprinted on the vehicle  
29 protection product warranty and may be negotiated with the consumer  
30 at the time of sale;

31           (6) Sets forth the procedure for making a claim, including a  
32 telephone number;

33           (7) States the existence of a deductible amount, if any;

34           (8) Specifies the payments or performance to be provided under  
35 the warranty including payments for incidental costs, the manner of  
36 calculation or determination of payments or performance, and any  
37 limitations, exceptions, or exclusions;

38           (9) Sets forth all of the obligations and duties of the warranty  
39 holder such as the duty to protect against further damage to the  
40 vehicle, the obligation to notify the warrantor in advance of any repair,  
41 or other similar requirements, if any;

42           (10) Sets forth any terms, restrictions, or conditions governing  
43 transferability of the warranty, if any; and

44           (11) Contains a disclosure that reads substantially as follows:  
45 "This agreement is a product warranty and is not insurance".

46           2. At the time of sale, the seller or warrantor shall provide to the  
47 purchaser:

48           (1) A copy of the vehicle protection product warranty; or

49           (2) A receipt or other written evidence of the purchase of the

50 vehicle protection product and a copy of the warranty within thirty  
51 days of the date of purchase.

385.421. 1. No vehicle protection product may be sold or offered  
2 for sale in this state unless the vehicle protection product warranty  
3 states the terms and conditions governing the cancellation of the sale  
4 and warranty, if any.

5 2. The warrantor may only cancel the warranty if the warranty  
6 holder does any of the following:

7 (1) Fails to pay for the vehicle protection product;

8 (2) Makes a material misrepresentation to the seller or  
9 warrantor;

10 (3) Commits fraud; or

11 (4) Substantially breaches the warranty holder's duties under the  
12 warranty.

13 3. A warrantor canceling a warranty shall mail written notice of  
14 cancellation to the warranty holder at the last known address of the  
15 warranty holder in the warrantor's records at least thirty days prior to  
16 the effective date of the cancellation. The notice shall state the  
17 effective date of the cancellation and the reason for the cancellation.

385.424. 1. Unless licensed as an insurance company, a vehicle  
2 protection product warrantor shall not use in its name, contracts, or  
3 literature the words "insurance", "casualty", "surety", "mutual", or any  
4 other word that is descriptive of the insurance, casualty, or surety  
5 business or that is deceptively similar to the name or description of any  
6 insurance or surety corporation or any other vehicle protection  
7 product warrantor. A warrantor may use the term "guaranty" or a  
8 similar word in the warrantor's name. A warrantor or its  
9 representative shall not in its vehicle protection product warranties or  
10 literature make, permit, or cause to be made any false or misleading  
11 statement, or deliberately omit any material statement that would be  
12 considered misleading if omitted, in connection with the sale, offer to  
13 sell, or advertisement of a vehicle protection product warranty.

14 2. A vehicle protection product seller or warrantor may not  
15 require as a condition of financing that a retail purchaser of a motor  
16 vehicle purchase a vehicle protection product.

385.427. 1. All vehicle protection product warrantors shall keep  
2 accurate accounts, books, and records concerning transactions  
3 regulated under sections 385.400 to 385.436.

4           **2. A vehicle protection product warrantor's accounts, books, and**  
5 **records shall include:**

6           **(1) Copies of all vehicle protection product warranties;**

7           **(2) The name and address of each warranty holder; and**

8           **(3) Claims files which shall contain at least the dates, amounts,**  
9 **and descriptions of all receipts, claims, and expenditures.**

10          **3. A vehicle protection product warrantor shall retain all**  
11 **required accounts, books, and records pertaining to each warranty**  
12 **holder for at least three years after the specified period of coverage has**  
13 **expired. A warrantor discontinuing business in the state shall maintain**  
14 **its records until it furnishes the director satisfactory proof that it has**  
15 **discharged all obligations to warranty holders in this state.**

16          **4. Vehicle protection product warrantors shall make all accounts,**  
17 **books, and records concerning transactions regulated under sections**  
18 **385.400 to 385.436 available to the director for examination.**

**385.430. 1. The director may conduct examinations of**  
2 **warrantors, administrators, or other persons to enforce sections 385.400**  
3 **to 385.436 and protect warranty holders in this state. Upon request of**  
4 **the director, a warrantor shall make available to the director all**  
5 **accounts, books, and records concerning vehicle protection products**  
6 **provided by the warrantor that are necessary to enable the director to**  
7 **reasonably determine compliance or noncompliance with sections**  
8 **385.400 to 385.436.**

9          **2. If the director determines that a person has engaged, is**  
10 **engaging in, or has taken a substantial step toward engaging in an act,**  
11 **practice, or course of business constituting a violation of sections**  
12 **385.400 to 385.436 or a rule adopted or order issued pursuant thereto,**  
13 **or a person has materially aided or is materially aiding an act,**  
14 **practice, omission, or course of business constituting a violation of**  
15 **sections 385.400 to 385.436 or a rule adopted or order issued pursuant**  
16 **thereto, the director may issue such administrative orders as**  
17 **authorized under section 374.046, RSMo. A violation of these sections**  
18 **is a level two violation under section 374.049, RSMo.**

19          **3. If the director believes that a person has engaged, is engaging**  
20 **in, or has taken a substantial step toward engaging in an act, practice,**  
21 **or course of business constituting a violation of sections 385.400 to**  
22 **385.436 or a rule adopted or order issued pursuant thereto, or that a**  
23 **person has materially aided or is materially aiding an act, practice,**



24 omission, or course of business constituting a violation of sections  
25 385.400 to 385.436 or a rule adopted or order issued pursuant thereto,  
26 the director may maintain a civil action for relief authorized under  
27 section 374.048, RSMo. A violation of these sections is a level two  
28 violation under section 374.049, RSMo.

385.433. The director may promulgate rules and regulations to  
2 implement the provisions of sections 385.400 to 385.436. Such rules and  
3 regulations shall include disclosures for the benefit of the warranty  
4 holder, record keeping, and procedures for public complaints. Any rule  
5 or portion of a rule, as that term is defined in section 536.010, RSMo,  
6 that is created under the authority delegated in this section shall  
7 become effective only if it complies with and is subject to all of the  
8 provisions of chapter 536, RSMo, and, if applicable, section 536.028,  
9 RSMo. This section and chapter 536, RSMo, are nonseverable and if any  
10 of the powers vested with the general assembly pursuant to chapter  
11 536, RSMo, to review, to delay the effective date, or to disapprove and  
12 annul a rule are subsequently held unconstitutional, then the grant of  
13 rulemaking authority and any rule proposed or adopted after January  
14 1, 2009, shall be invalid and void.

385.436. Sections 385.400 to 385.436 applies to all vehicle  
2 protection products sold or offered for sale on or after January 1,  
3 2009. The failure of any person to comply with sections 385.400 to  
4 385.436 prior to January 1, 2009, shall not be admissible in any court  
5 proceeding, administrative proceeding, arbitration, or alternative  
6 dispute resolution proceeding and may not otherwise be used to prove  
7 that the action of any person or the affected vehicle protection product  
8 was unlawful or otherwise improper. The adoption of sections 385.400  
9 to 385.436 does not imply that a vehicle protection product warranty  
10 was insurance prior to January 1, 2009. The penalty provision of  
11 sections 385.400 to 385.436 do not apply to any violation of sections  
12 385.400 to 385.436 relating to or in connection with the sale or failure  
13 to disclose in a retail installment contract or lease, or contract or  
14 agreement that provides for payments under a vehicle protection  
15 product warranty so long as the sale of such product, contract, or  
16 agreement was otherwise disclosed to the purchaser in writing at the  
17 time of the purchase or lease.

390.021. 1. The provisions of this section shall be applicable,  
2 notwithstanding any provisions of section 390.030 to the contrary.

3           2. As used in chapter 622, RSMo, and in this section, except when  
4 the context clearly requires otherwise, the following terms shall mean:

5           (1) "UCR implementing regulations", includes the regulations  
6 issued by the United States Secretary of Transportation under 49  
7 U.S.C.A. Section 13908, the rules and regulations issued by the board  
8 of directors of the Unified Carrier Registration (UCR) plan under 49  
9 U.S.C.A. Section 14504a, and the administrative rules adopted by the  
10 state highways and transportation commission under this section;

11           (2) "Unified Carrier Registration Act", or "UCR Act", sections 4301  
12 to 4308 of the Unified Carrier Registration Act of 2005, within subtitle  
13 C of title IV of the "Safe, Accountable, Flexible, Efficient Transportation  
14 Equity Act: A Legacy For Users" or "SAFETEA-LU", Public Law 109-59  
15 (119 Stat. 1761), as those sections have been and periodically may be  
16 amended.

17           3. Except when the context clearly requires otherwise, the  
18 definitions of words in 49 U.S.C.A. Sections 13102, 13908, and 14504a  
19 shall apply to and determine the meaning of those words as used in this  
20 section.

21           4. In carrying out and being subject to the provisions of the UCR  
22 Act, the Unified Carrier Registration (UCR) agreement, the UCR  
23 implementing regulations, and this section, but notwithstanding any  
24 other provisions of law to the contrary, the state highways and  
25 transportation commission may:

26           (1) Submit to the proper federal authorities, amend and carry  
27 out a state plan to qualify as a base-state and to participate in the UCR  
28 plan and administer the UCR agreement, and take other necessary  
29 actions as the designated representative of the state of Missouri so that:

30           (a) Missouri domiciled entities who must register and pay UCR  
31 registration fees are not required to register and pay those fees in a  
32 base-state other than the state of Missouri;

33           (b) The state of Missouri does not forfeit UCR registration fee  
34 revenues; and

35           (c) The state of Missouri may maintain its eligibility to receive  
36 the maximum allowable allocations of revenues derived under the UCR  
37 agreement;

38           (2) Administer the UCR registration of Missouri domiciled motor  
39 carriers, motor private carriers, brokers, freight forwarders and  
40 leasing companies, and such persons domiciled in nonparticipating

41 states who have designated this state as their base-state under the UCR  
42 Act;

43 (3) Receive, collect, process, deposit, transfer, distribute, and  
44 refund UCR registration fees relating to any of the persons and  
45 activities described in this section. Notwithstanding any provisions of  
46 law to the contrary, these UCR registration fees collected by the  
47 commission are hereby designated as "nonstate funds" within the  
48 meaning of section 15, article IV, Constitution of Missouri, and the  
49 commission shall transmit these funds to the state department of  
50 revenue for deposit to the credit of the state highways and  
51 transportation department fund. The commission shall, from time to  
52 time, direct the payment of, and the director of revenue shall pay, the  
53 fees so deposited, in accordance with the provisions of the UCR Act, the  
54 UCR agreement, and the UCR implementing regulations. The director  
55 of revenue shall credit all income derived from the investment of these  
56 funds to the state highways and transportation department fund;

57 (4) Exercise all other powers, duties, and functions the UCR Act  
58 requires of or allows a participating state or base-state;

59 (5) Promulgate administrative rules and issue specific orders  
60 relating to any of the persons and activities described in this  
61 section. Any rule or portion of a rule, as that term is defined in section  
62 536.010, RSMo, that is created under the authority delegated in this  
63 section shall become effective only if it complies with and is subject to  
64 all of the provisions of chapter 536, RSMo, and, if applicable, section  
65 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable  
66 and if any of the powers vested with the general assembly pursuant to  
67 chapter 536, RSMo, to review, to delay the effective date, or to  
68 disapprove and annul a rule are subsequently held unconstitutional,  
69 then the grant of rulemaking authority and any rule proposed or  
70 adopted after August 28, 2008, shall be invalid and void;

71 (6) Enter into agreements with any agencies or officers of the  
72 United States, or of any state that participates or intends to enter into  
73 the UCR agreement; and

74 (7) Delegate any or all of the powers, duties, and functions of the  
75 commission under this section to any agent or contractor.

76 5. After the commission has entered into the UCR plan on behalf  
77 of this state, the requirements in the UCR agreement shall take  
78 precedence over any conflicting requirements under chapter 622,

79 RSMo, or this chapter.

80           6. Notwithstanding any other provisions of law to the contrary,  
81 every motor carrier, motor private carrier, broker, freight forwarder,  
82 and leasing company that has its principal place of business within this  
83 state, and every such person who has designated this state as the  
84 person's base-state under the provisions of the UCR Act, shall timely  
85 complete and file with the state highways and transportation  
86 commission all the forms required by the UCR agreement and the UCR  
87 implementing regulations, and shall pay the required UCR registration  
88 fees to the commission.

89           7. All powers of the commission under section 226.008, RSMo, are  
90 hereby made applicable to the enforcement of this section with  
91 reference to any person subject to any provision of this section. The  
92 chief counsel shall not be required to exhaust any administrative  
93 remedies before commencing any enforcement actions under this  
94 section. The provisions of chapter 622, RSMo, shall apply to and govern  
95 the practice and procedures before the courts in those actions.

96           8. Except as required by the UCR Act, the UCR agreement, or the  
97 UCR implementing regulations, the provisions of this section and the  
98 rules adopted by the commission under this section shall not be  
99 construed as exempting any motor carrier, or any person controlled by  
100 a motor carrier, from any of the requirements of chapter 622, RSMo, or  
101 this chapter, relating to the transportation of passengers or property  
102 in intrastate commerce.

103           9. Notwithstanding any other provision of this section to the  
104 contrary, Missouri elects to not apply the provisions of the UCR Act,  
105 the UCR Agreement, and the UCR implementing regulations to motor  
106 carriers and motor private carriers that operate solely in intrastate  
107 commerce transporting farm or dairy products, including livestock,  
108 from a farm, or property from farm to farm, or stocker and feeder  
109 livestock from farm to farm, or from market to farm.

          390.372. 1. Notwithstanding any provision of law to the contrary,  
2 a provision, clause, covenant, or agreement contained in, collateral to,  
3 or affecting a motor carrier transportation contract that purports to  
4 indemnify, defend, or hold harmless, or has the effect of indemnifying,  
5 defending, or holding harmless, the promisee from or against any  
6 liability for loss or damage resulting from the negligence or intentional  
7 acts or omissions of the promisee is against the public policy of this

8 state and is void and unenforceable.

9 2. For the purposes of this section, the following terms shall  
10 mean:

11 (1) "Motor carrier transportation contract", a contract,  
12 agreement, or understanding covering:

13 (a) The transportation of property for compensation or hire by  
14 the motor carrier;

15 (b) The entrance on property by the motor carrier for the  
16 purpose of loading, unloading, or transporting property for  
17 compensation or hire; or

18 (c) A service incidental to activity described in paragraphs (a)  
19 and (b) of this subdivision, including but not limited to, storage of  
20 property;

21 "Motor carrier transportation contract" shall not include the Uniform  
22 Intermodal Interchange and Facilities Access Agreement administered  
23 by the Intermodal Association of North America or other agreements  
24 providing for the interchange, use or possession of intermodal chassis,  
25 or other intermodal equipment;

26 (2) "Promisee", the promisee and any agents, employees, servants,  
27 or independent contractors who are directly responsible to the  
28 promisee except for motor or rail carriers who are party to a motor  
29 carrier transportation contract, and such motor or rail carrier's agents,  
30 employees, servants, or independent contractors directly responsible  
31 to such motor or rail carriers.

577.023. 1. For purposes of this section, unless the context clearly  
2 indicates otherwise:

3 (1) An "aggravated offender" is a person who:

4 (a) Has pleaded guilty to or has been found guilty of three or more  
5 intoxication-related traffic offenses; or

6 (b) Has pleaded guilty to or has been found guilty of one or more  
7 intoxication-related traffic offense and, in addition, any of the following:  
8 involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section  
9 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where  
10 the underlying felony is an intoxication-related traffic offense; or assault in the  
11 second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or  
12 assault of a law enforcement officer in the second degree under subdivision (4) of  
13 subsection 1 of section 565.082, RSMo;

14 (2) A "chronic offender" is:

15 (a) A person who has pleaded guilty to or has been found guilty of four or  
16 more intoxication-related traffic offenses; or

17 (b) A person who has pleaded guilty to or has been found guilty of, on two  
18 or more separate occasions, any combination of the following: involuntary  
19 manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024,  
20 RSMo; murder in the second degree under section 565.021, RSMo, where the  
21 underlying felony is an intoxication-related traffic offense; assault in the second  
22 degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault  
23 of a law enforcement officer in the second degree under subdivision (4) of  
24 subsection 1 of section 565.082, RSMo; or

25 (c) A person who has pleaded guilty to or has been found guilty of two or  
26 more intoxication-related traffic offenses and, in addition, any of the following:  
27 involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section  
28 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where  
29 the underlying felony is an intoxication-related traffic offense; assault in the  
30 second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or  
31 assault of a law enforcement officer in the second degree under subdivision (4) of  
32 subsection 1 of section 565.082, RSMo;

33 (3) An "intoxication-related traffic offense" is driving while intoxicated,  
34 driving with excessive blood alcohol content, involuntary manslaughter pursuant  
35 to subdivision (2) or (3) of subsection 1 of section 565.024, RSMo, murder in the  
36 second degree under section 565.021, RSMo, where the underlying felony is an  
37 intoxication-related traffic offense, assault in the second degree pursuant to  
38 subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law  
39 enforcement officer in the second degree pursuant to subdivision (4) of subsection  
40 1 of section 565.082, RSMo, or driving under the influence of alcohol or drugs in  
41 violation of state law or a county or municipal ordinance, where the defendant  
42 was represented by or waived the right to an attorney in writing;

43 (4) A "persistent offender" is one of the following:

44 (a) A person who has pleaded guilty to or has been found guilty of two or  
45 more intoxication-related traffic offenses;

46 (b) A person who has pleaded guilty to or has been found guilty of  
47 involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of  
48 section 565.024, RSMo, assault in the second degree pursuant to subdivision (4)  
49 of subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in  
50 the second degree pursuant to subdivision (4) of subsection 1 of section 565.082,  
51 RSMo; and

52 (5) A "prior offender" is a person who has pleaded guilty to or has been

53 found guilty of one intoxication-related traffic offense, where such prior offense  
54 occurred within five years of the occurrence of the intoxication-related traffic  
55 offense for which the person is charged.

56 2. Any person who pleads guilty to or is found guilty of a violation of  
57 section 577.010 or 577.012 who is alleged and proved to be a prior offender shall  
58 be guilty of a class A misdemeanor.

59 3. Any person who pleads guilty to or is found guilty of a violation of  
60 section 577.010 or 577.012 who is alleged and proved to be a persistent offender  
61 shall be guilty of a class D felony.

62 4. Any person who pleads guilty to or is found guilty of a violation of  
63 section 577.010 or section 577.012 who is alleged and proved to be an aggravated  
64 offender shall be guilty of a class C felony.

65 5. Any person who pleads guilty to or is found guilty of a violation of  
66 section 577.010 or section 577.012 who is alleged and proved to be a chronic  
67 offender shall be guilty of a class B felony.

68 6. No state, county, or municipal court shall suspend the imposition of  
69 sentence as to a prior offender, persistent offender, aggravated offender, or  
70 chronic offender under this section nor sentence such person to pay a fine in lieu  
71 of a term of imprisonment, section 557.011, RSMo, to the contrary  
72 notwithstanding. No prior offender shall be eligible for parole or probation until  
73 he or she has served a minimum of five days imprisonment, unless as a condition  
74 of such parole or probation such person performs at least thirty days of  
75 community service under the supervision of the court in those jurisdictions which  
76 have a recognized program for community service. No persistent offender shall  
77 be eligible for parole or probation until he or she has served a minimum of ten  
78 days imprisonment, unless as a condition of such parole or probation such person  
79 performs at least sixty days of community service under the supervision of the  
80 court. No aggravated offender shall be eligible for parole or probation until he  
81 or she has served a minimum of sixty days imprisonment. No chronic offender  
82 shall be eligible for parole or probation until he or she has served a minimum of  
83 two years imprisonment.

84 7. The state, county, or municipal court shall find the defendant to be a  
85 prior offender, persistent offender, aggravated offender, or chronic offender if:

86 (1) The indictment or information, original or amended, or the information  
87 in lieu of an indictment pleads all essential facts warranting a finding that the  
88 defendant is a prior offender or persistent offender; and

89 (2) Evidence is introduced that establishes sufficient facts pleaded to  
90 warrant a finding beyond a reasonable doubt the defendant is a prior offender,

91 persistent offender, aggravated offender, or chronic offender; and

92 (3) The court makes findings of fact that warrant a finding beyond a  
93 reasonable doubt by the court that the defendant is a prior offender, persistent  
94 offender, aggravated offender, or chronic offender.

95 8. In a jury trial, the facts shall be pleaded, established and found prior  
96 to submission to the jury outside of its hearing.

97 9. In a trial without a jury or upon a plea of guilty, the court may defer  
98 the proof in findings of such facts to a later time, but prior to sentencing.

99 10. The defendant shall be accorded full rights of confrontation and  
100 cross-examination, with the opportunity to present evidence, at such hearings.

101 11. The defendant may waive proof of the facts alleged.

102 12. Nothing in this section shall prevent the use of presentence  
103 investigations or commitments.

104 13. At the sentencing hearing both the state, county, or municipality and  
105 the defendant shall be permitted to present additional information bearing on the  
106 issue of sentence.

107 14. The pleas or findings of guilty shall be prior to the date of commission  
108 of the present offense.

109 15. The court shall not instruct the jury as to the range of punishment or  
110 allow the jury, upon a finding of guilty, to assess and declare the punishment as  
111 part of its verdict in cases of prior offenders, persistent offenders, aggravated  
112 offenders, or chronic offenders.

113 16. Evidence of a prior [convictions] **conviction, plea of guilty, or**  
114 **finding of guilty in an intoxication-related traffic offense** shall be heard  
115 and determined by the trial court out of the hearing of the jury prior to the  
116 submission of the case to the jury, and shall include but not be limited to  
117 evidence of convictions received by a search of the records of the Missouri uniform  
118 law enforcement system maintained by the Missouri state highway patrol. After  
119 hearing the evidence, the court shall enter its findings thereon. A [conviction of  
120 a violation of a municipal or county ordinance in a county or municipal court for  
121 driving while intoxicated or a] conviction or a plea of guilty or a finding of guilty  
122 followed by **incarceration, a fine**, a suspended imposition of sentence,  
123 suspended execution of sentence, probation or parole or any combination thereof  
124 in **any intoxication-related traffic offense in a state, county, municipal**  
125 **court, or any combination thereof**, shall be treated as a prior [conviction]  
126 **plea of guilty or finding of guilty for purposes of this section.**

577.041. 1. If a person under arrest, or who has been stopped pursuant  
2 to subdivision (2) or (3) of subsection 1 of section 577.020, refuses upon the



3 request of the officer to submit to any test allowed pursuant to section 577.020,  
4 then none shall be given and evidence of the refusal shall be admissible in a  
5 proceeding pursuant to section 565.024, 565.060, or 565.082, RSMo, or section  
6 577.010 or 577.012. The request of the officer shall include the reasons of the  
7 officer for requesting the person to submit to a test and also shall inform the  
8 person that evidence of refusal to take the test may be used against such person  
9 and that the person's license shall be immediately revoked upon refusal to take  
10 the test. If a person when requested to submit to any test allowed pursuant to  
11 section 577.020 requests to speak to an attorney, the person shall be granted  
12 twenty minutes in which to attempt to contact an attorney. If upon the  
13 completion of the twenty-minute period the person continues to refuse to submit  
14 to any test, it shall be deemed a refusal. In this event, the officer shall, on behalf  
15 of the director of revenue, serve the notice of license revocation personally upon  
16 the person and shall take possession of any license to operate a motor vehicle  
17 issued by this state which is held by that person. The officer shall issue a  
18 temporary permit, on behalf of the director of revenue, which is valid for fifteen  
19 days and shall also give the person a notice of such person's right to file a  
20 petition for review to contest the license revocation.

21 2. The officer shall make a certified report under penalties of perjury for  
22 making a false statement to a public official. The report shall be forwarded to the  
23 director of revenue and shall include the following:

24 (1) That the officer has:

25 (a) Reasonable grounds to believe that the arrested person was driving a  
26 motor vehicle while in an intoxicated or drugged condition; or

27 (b) Reasonable grounds to believe that the person stopped, being under  
28 the age of twenty-one years, was driving a motor vehicle with a blood alcohol  
29 content of two-hundredths of one percent or more by weight; or

30 (c) Reasonable grounds to believe that the person stopped, being under the  
31 age of twenty-one years, was committing a violation of the traffic laws of the  
32 state, or political subdivision of the state, and such officer has reasonable grounds  
33 to believe, after making such stop, that the person had a blood alcohol content of  
34 two-hundredths of one percent or greater;

35 (2) That the person refused to submit to a chemical test;

36 (3) Whether the officer secured the license to operate a motor vehicle of  
37 the person;

38 (4) Whether the officer issued a fifteen-day temporary permit;

39 (5) Copies of the notice of revocation, the fifteen-day temporary permit  
40 and the notice of the right to file a petition for review, which notices and permit

41 may be combined in one document; and

42 (6) Any license to operate a motor vehicle which the officer has taken into  
43 possession.

44 3. Upon receipt of the officer's report, the director shall revoke the license  
45 of the person refusing to take the test for a period of one year; or if the person is  
46 a nonresident, such person's operating permit or privilege shall be revoked for one  
47 year; or if the person is a resident without a license or permit to operate a motor  
48 vehicle in this state, an order shall be issued denying the person the issuance of  
49 a license or permit for a period of one year.

50 4. If a person's license has been revoked because of the person's refusal  
51 to submit to a chemical test, such person may petition for a hearing before a  
52 circuit or associate circuit court in the county in which the arrest or stop  
53 occurred. The person may request such court to issue an order staying the  
54 revocation until such time as the petition for review can be heard. If the court,  
55 in its discretion, grants such stay, it shall enter the order upon a form prescribed  
56 by the director of revenue and shall send a copy of such order to the  
57 director. Such order shall serve as proof of the privilege to operate a motor  
58 vehicle in this state and the director shall maintain possession of the person's  
59 license to operate a motor vehicle until termination of any revocation pursuant  
60 to this section. Upon the person's request the clerk of the court shall notify the  
61 prosecuting attorney of the county and the prosecutor shall appear at the hearing  
62 on behalf of the director of revenue. At the hearing the court shall determine  
63 only:

64 (1) Whether or not the person was arrested or stopped;

65 (2) Whether or not the officer had:

66 (a) Reasonable grounds to believe that the person was driving a motor  
67 vehicle while in an intoxicated or drugged condition; or

68 (b) Reasonable grounds to believe that the person stopped, being under  
69 the age of twenty-one years, was driving a motor vehicle with a blood alcohol  
70 content of two-hundredths of one percent or more by weight; or

71 (c) Reasonable grounds to believe that the person stopped, being under the  
72 age of twenty-one years, was committing a violation of the traffic laws of the  
73 state, or political subdivision of the state, and such officer had reasonable  
74 grounds to believe, after making such stop, that the person had a blood alcohol  
75 content of two-hundredths of one percent or greater; and

76 (3) Whether or not the person refused to submit to the test.

77 5. If the court determines any issue not to be in the affirmative, the court  
78 shall order the director to reinstate the license or permit to drive.

79           6. Requests for review as provided in this section shall go to the head of  
80 the docket of the court wherein filed.

81           7. No person who has had a license to operate a motor vehicle suspended  
82 or revoked pursuant to the provisions of this section shall have that license  
83 reinstated until such person has participated in and successfully completed a  
84 substance abuse traffic offender program defined in section 577.001, or a program  
85 determined to be comparable by the department of mental health or the  
86 court. Assignment recommendations, based upon the needs assessment as  
87 described in subdivision (22) of section 302.010, RSMo, shall be delivered in  
88 writing to the person with written notice that the person is entitled to have such  
89 assignment recommendations reviewed by the court if the person objects to the  
90 recommendations. The person may file a motion in the associate division of the  
91 circuit court of the county in which such assignment was given, on a printed form  
92 provided by the state courts administrator, to have the court hear and determine  
93 such motion pursuant to the provisions of chapter 517, RSMo. The motion shall  
94 name the person or entity making the needs assessment as the respondent and  
95 a copy of the motion shall be served upon the respondent in any manner allowed  
96 by law. Upon hearing the motion, the court may modify or waive any assignment  
97 recommendation that the court determines to be unwarranted based upon a  
98 review of the needs assessment, the person's driving record, the circumstances  
99 surrounding the offense, and the likelihood of the person committing a like  
100 offense in the future, except that the court may modify but may not waive the  
101 assignment to an education or rehabilitation program of a person determined to  
102 be a prior or persistent offender as defined in section 577.023, or of a person  
103 determined to have operated a motor vehicle with fifteen-hundredths of one  
104 percent or more by weight in such person's blood. Compliance with the court  
105 determination of the motion shall satisfy the provisions of this section for the  
106 purpose of reinstating such person's license to operate a motor vehicle. The  
107 respondent's personal appearance at any hearing conducted pursuant to this  
108 subsection shall not be necessary unless directed by the court.

109           8. The fees for the substance abuse traffic offender program, or a portion  
110 thereof to be determined by the division of alcohol and drug abuse of the  
111 department of mental health, shall be paid by the person enrolled in the  
112 program. Any person who is enrolled in the program shall pay, in addition to any  
113 fee charged for the program, a supplemental fee to be determined by the  
114 department of mental health for the purposes of funding the substance abuse  
115 traffic offender program defined in section 302.010, RSMo, and section  
116 577.001. The administrator of the program shall remit to the division of alcohol

117 and drug abuse of the department of mental health on or before the fifteenth day  
118 of each month the supplemental fee for all persons enrolled in the program, less  
119 two percent for administrative costs. Interest shall be charged on any unpaid  
120 balance of the supplemental fees due the division of alcohol and drug abuse  
121 pursuant to this section and shall accrue at a rate not to exceed the annual rates  
122 established pursuant to the provisions of section 32.065, RSMo, plus three  
123 percentage points. The supplemental fees and any interest received by the  
124 department of mental health pursuant to this section shall be deposited in the  
125 mental health earnings fund which is created in section 630.053, RSMo.

126           9. Any administrator who fails to remit to the division of alcohol and drug  
127 abuse of the department of mental health the supplemental fees and interest for  
128 all persons enrolled in the program pursuant to this section shall be subject to a  
129 penalty equal to the amount of interest accrued on the supplemental fees due the  
130 division pursuant to this section. If the supplemental fees, interest, and penalties  
131 are not remitted to the division of alcohol and drug abuse of the department of  
132 mental health within six months of the due date, the attorney general of the state  
133 of Missouri shall initiate appropriate action of the collection of said fees and  
134 interest accrued. The court shall assess attorney fees and court costs against any  
135 delinquent program.

136           **10. Any person who has had a license to operate a motor vehicle**  
137 **revoked more than once for violation of the provisions of this section**  
138 **shall be required to file proof with the director of revenue that any**  
139 **motor vehicle operated by the person is equipped with a functioning,**  
140 **certified ignition interlock device as a required condition of license**  
141 **reinstatement. Such ignition interlock device shall further be required**  
142 **to be maintained on all motor vehicles operated by the person for a**  
143 **period of not less than six months immediately following the date of**  
144 **reinstatement. If the person fails to maintain such proof with the**  
145 **director as required by this section, the license shall be rerevoked and**  
146 **the person shall be guilty of a class A misdemeanor.**

147           **11. The revocation period of any person whose license and**  
148 **driving privilege has been revoked under this section and who has filed**  
149 **proof of financial responsibility with the department of revenue in**  
150 **accordance with chapter 303, RSMo, and is otherwise eligible, shall be**  
151 **terminated by a notice from the director of revenue after one year from**  
152 **the effective date of the revocation. Unless proof of financial**  
153 **responsibility is filed with the department of revenue, the revocation**  
154 **shall remain in effect for a period of two years from its effective date.**

155 **If the person fails to maintain proof of financial responsibility in**  
156 **accordance with chapter 303, RSMo, the person's license and driving**  
157 **privilege shall be rerevoked and the person shall be guilty of a class A**  
158 **misdemeanor.**

577.600. 1. In addition to any other provisions of law, a court may require  
2 that any person who is found guilty of or pleads guilty to a first  
3 intoxication-related traffic offense, as defined in section 577.023, and a court shall  
4 require that any person who is found guilty of or pleads guilty to a second or  
5 subsequent intoxication-related traffic offense, as defined in section 577.023, shall  
6 not operate any motor vehicle unless that vehicle is equipped with a functioning,  
7 certified ignition interlock device for a period of not less than [one month] **six**  
8 **months** from the date of reinstatement of the person's driver's license. In  
9 addition, any court authorized to grant a limited driving privilege under section  
10 302.309, RSMo, to any person who is found guilty of or pleads guilty to a second  
11 or subsequent intoxication-related traffic offense shall require the use of an  
12 ignition interlock device on all vehicles operated by the person as a required  
13 condition of the limited driving privilege. **These requirements shall be in**  
14 **addition to any other provisions of this chapter or chapter 302, RSMo,**  
15 **requiring installation and maintenance of an ignition interlock**  
16 **device.** Any person required to use an ignition interlock device, **either under**  
17 **the provisions of this chapter or chapter 302, RSMo,** shall comply with  
18 [the court order,] **such requirement** subject to the penalties provided by this  
19 section.

20 2. No person shall knowingly rent, lease or lend a motor vehicle to a  
21 person known to have had that person's driving privilege restricted as provided  
22 in subsection 1 of this section, unless the vehicle is equipped with a functioning,  
23 certified ignition interlock device. Any person whose driving privilege is  
24 restricted as provided in subsection 1 of this section shall notify any other person  
25 who rents, leases or loans a motor vehicle to that person of the driving restriction  
26 imposed pursuant to this section.

27 3. Any person convicted of a violation of this section shall be guilty of a  
28 class A misdemeanor.

577.602. 1. If a court imposes a fine and requires the use of an ignition  
2 interlock device for the same offense, the amount of the fine may be reduced by  
3 the cost of the ignition interlock device.

4 2. If the court requires the use of an ignition interlock device, it shall  
5 order the installation of the device on any vehicle which the offender operates  
6 during the period of probation or limited driving privilege.

7           3. If the court imposes the use of an ignition interlock device on a person  
8     having full or limited driving privileges, the court shall require the person to  
9     provide proof of compliance with the order to the court or the probation officer  
10    within thirty days of this court's order or sooner, as required by the court, **in**  
11    **addition to any proof required to be filed with the director of revenue**  
12    **under the provisions of this chapter or chapter 302, RSMo.** If the person  
13    fails to provide proof of installation within that period, absent a finding by the  
14    court of good cause for that failure which is entered in the court record, the court  
15    shall revoke or terminate the person's probation or limited driving privilege.

16           4. Nothing in sections 577.600 to 577.614 shall be construed to authorize  
17    a person to operate a motor vehicle whose driving privileges have been suspended  
18    or revoked, unless the person has obtained a limited driving privilege or  
19    restricted driving privilege under other provisions of law.

20           5. The person whose driving privilege is restricted pursuant to section  
21    577.600 shall report to the court or the probation officer at least once annually,  
22    or more frequently as the court may order, on the operation of each ignition  
23    interlock device in the person's vehicle or vehicles. Such person shall be  
24    responsible for the cost and maintenance of the ignition interlock device. If such  
25    device is broken, destroyed or stolen, such person shall also be liable for the cost  
26    of replacement of the device.

27           6. The court may require a person whose driving privilege is restricted  
28    under section 577.600 to report to any officer appointed by the court in lieu of a  
29    probation officer.

30           7. The court shall require periodic calibration checks that are needed for  
31    the proper operation of the ignition interlock device.

          577.612. 1. It is unlawful for any person whose driving privilege is  
2    restricted pursuant to [section 577.600] **the provisions of this chapter or**  
3    **chapter 302, RSMo,** to request or solicit any other person to blow into an  
4    ignition interlock device or to start a motor vehicle equipped with the device for  
5    the purpose of providing the person so restricted with an operable motor vehicle.

6           2. It is unlawful to blow into an ignition interlock device or to start a  
7    motor vehicle equipped with the device for the purpose of providing an operable  
8    motor vehicle to a person whose driving privilege is restricted pursuant to  
9    [section 577.600] **the provisions of this chapter or chapter 302, RSMo.**

10           3. It is unlawful to tamper with, or circumvent the operation of, an  
11    ignition interlock device.

12           4. Any person who violates any provision of this section is guilty of a class  
13    A misdemeanor.

590.050. 1. The POST commission shall establish requirements for the  
2 continuing education of all peace officers. Peace officers who make traffic stops  
3 shall be required to receive [annual training] **three hours of training within**  
4 **the law enforcement continuing education three-hour reporting period**  
5 concerning the prohibition against racial profiling and such training shall  
6 promote understanding and respect for racial and cultural differences and the use  
7 of effective, noncombative methods for carrying out law enforcement duties in a  
8 racially and culturally diverse environment.

9 2. The director shall license continuing education providers and may  
10 probate, suspend and revoke such licenses upon written notice stating the reasons  
11 for such action. Any person aggrieved by a decision of the director pursuant to  
12 this subsection may appeal as provided in chapter 536, RSMo.

13 3. The costs of continuing law enforcement education shall be reimbursed  
14 in part by moneys from the peace officer standards and training commission fund  
15 created in section 590.178, subject to availability of funds, except that no such  
16 funds shall be used for the training of any person not actively commissioned or  
17 employed by a county or municipal law enforcement agency.

18 4. The director may engage in any activity intended to further the  
19 professionalism of peace officers through training and education, including the  
20 provision of specialized training through the department of public safety.

Section B. The enactment of sections 385.400 to 385.436 of this act shall  
2 become effective January 1, 2009.

Section C. The repeal and reenactment of sections 302.010, 302.060,  
2 302.304, 302.309, 302.525, 577.023, 577.041, 577.600, 577.602, and 577.612 of  
3 section A of this act shall become effective on July 1, 2009.

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